



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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JUL 02 2013

Ref: 8P-AR

The Honorable Kevin Cramer
United States House of Representatives
Washington, D.C. 20515-3401

Dear Congressman Cramer:

Thank you for your letter of June 13, 2013 to Acting Administrator Bob Perciasepe providing comments on EPA's proposed reconsideration action regarding the North Dakota regional haze State Implementation Plan. We appreciate your interest in this proposal.

All comments received during the public comment period, which closed on June 17, 2013, will be reviewed carefully and considered fully as we work toward a final decision. We anticipate making a final decision later this year.

Again, thank you for your comments. If you have questions concerning our public comment process, please contact me; or your staff may wish to contact Sandy Fells, Regional Congressional Liaison, at (303) 312-6604 or fells.sandy@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "S. McGrath", is written over the word "Sincerely,".

Shaun L. McGrath
Regional Administrator

Congress of the United States
Washington, DC 20515

June 13, 2013

Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

DOCKET NUMBER: EPA-R08-OAR-2010-0406

Dear Administrator Perciasepe:

We write to express our support for the action the Environmental Protection Agency (EPA) took in March of 2012, whereby your agency approved North Dakota's State Implementation Plan (SIP) as it relates to nitrogen oxide controls for Minnkota's Milton R. Young Station and Basin Electric's Leland Olds Station under the regional haze program. Based on the voluminous public record generated over the last several years by the EPA and state of North Dakota, and the 2011 judicial decision issued by a federal district court, we believe you made the correct decision.

It has been soundly demonstrated that North Dakota's SIP, which includes Over-Fire Air (OFA) and Selective Non-Catalytic Reduction (SNCR) technology on both units at the Milton R. Young Station and unit 2 at the Leland Olds Station, is the right technology for consumers in North Dakota while providing visibility improvements called for in the regional haze program.

As documented in the public record, Selective Catalytic Reduction (SCR) technology has not been proven to work on North Dakota lignite coal in cyclone boilers. Additionally, as the state of North Dakota has pointed out, SCR does not noticeably improve visibility beyond SNCR and OFA.

It makes little sense to require an entity to use unproven technology that would significantly raise electric rates. Minnkota alone could be required to spend approximately \$500 million for new environmental upgrades to meet a Federal Implementation Plan (FIP) requirement. That would be in addition to recently completed environmental upgrades at Minnkota's Young Station totaling \$425 million.

North Dakota has demonstrated that SNCR and OFA technology is the Best Available Retrofit Technology (BART) for Minnkota's and Basin Electric's units. A federal district court judge in 2011 affirmed the state of North Dakota's BACT determination. That judicial decision correctly weighed heavily in EPA's decision to approve North Dakota's BART SIP last year.

Administrator Bob Perciasepe

Page 2

June 13, 2013

We respectfully request you reaffirm your March 2012 decision whereby you properly approved SNCR and OFA for BART for the Milton R. Young Station and Leland Olds Unit 2. It was a decision based upon sound science, legal precedent, and an extensive public record.

Sincerely,


JOHN HOEVEN
U.S. Senator


HEIDI HETTKAMP
U.S. Senator


KEVIN CRAMER
U.S. Congressman

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

December 19, 2013

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Administrator McCarthy,

Science is a valuable tool to help policymakers navigate complex issues. However, when inconvenient facts are disregarded or when dissenting voices are muzzled, a frank discussion becomes impossible. The Environmental Protection Agency (EPA) cannot continue to rush ahead with costly regulations without allowing time for a real-world look at the science.

We are concerned about the Agency's apparent disregard for the concerns of its science advisors. On December 3, 2013, Chairman Smith wrote to you about the troubling findings of the Science Advisory Board's (SAB) Work Group highlighting problems with the science that underlies the proposed New Source Performance Standards (NSPS) for power plants.¹ The Work Group showed that EPA rushed ahead with its costly power plant proposal without waiting for the advice of its independent science advisors and that the underlying science lacked adequate peer review.²

These discoveries raised serious questions about EPA's proposed rule and clearly merited further review. However, when these concerns were raised, a senior official in the EPA Air Office sought to distance the Agency from the criticisms leveled by the SAB Work Group. Specifically, the EPA claimed that the NSPS is not "setting any requirements on sequestration and not providing any analysis as such because we don't speak to the sequestration."³ The claim that the rule doesn't need to address storage concerns highlights your Agency's continued lack of transparency and consistent attempts to avoid accountability.

¹ Standards of Performance for Greenhouse Gas Emission from New Stationary Sources: Electric utility Generating Units (Sept. 20, 2013).

² Memorandum from SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science to Members of the Chartered SAB and SAB Liaisons, Nov. 12, 2013.

³ *SAB Suggests Dropping Review Of CCS In Utility NSPS After EPA Pushback*, InsideEPA, Dec. 5, 2013 (quoting Peter Tsirigotis, Director, Sector Policies and Programs Division, Office of Air and Radiation, US EPA).

While the Agency admitted that there are some unanswered scientific issues regarding carbon capture and storage (CCS) systems, the official noted that “most of those things are outside of this rulemaking.”⁴ Because long-term geologic storage encompasses new science and lacks a proven regulatory framework,⁵ EPA attempted to avoid the obvious questions regarding storage of carbon. In particular, EPA deflects the concerns raised by its science advisors by claiming that the charges of inadequate peer-review relate to studies beyond the scope of the NSPS proposal. In other words, EPA wants people to believe that the rule’s regulatory footprint only covers carbon capture, without addressing what happens to the captured carbon.

The Agency’s distinction rings hollow. The new mandates in the NSPS rule will create regulatory burdens and litigation risks that could make carbon dioxide from power plants no longer economically viable for use in enhanced oil recovery (EOR) operations. But since EOR is currently the only way to comply with the new power plant rule,⁶ this would impede both the practical operation of the rule and erect unnecessary barriers to the use of EOR. As you know, the Committee has already raised concerns with the Agency’s premature declaration of “adequate demonstration” of CCS under the Clean Air Act; unintended burdens on EOR further complicate the analysis.

In order to operate as intended, the proposed NSPS rule demands that carbon captured by CCS technology be made available for use in EOR. In fact, EPA notes in the proposed rule that “the cost of ‘full capture’ CCS without EOR is outside the range of costs that companies are considering for comparable generation and therefore should not be considered [a Best System of Emissions Reduction] for CO₂ emissions for coal-fired power plants.”⁷ Further, EPA recently argued before the U.S. Supreme Court that its Clean Air Act authority should “ensure that the reductions that had to take place were done in the most cost-effective manner possible.”⁸

The importance of being able to use carbon dioxide from power plants in EOR operations was confirmed at the Science Committee’s October 29, 2013, hearing on the NSPS proposal. The hearing identified a range of concerns about whether the CCS technology necessary to comply with the proposed rule is commercially ready. In response to our concerns, we were assured that the use of carbon dioxide in EOR operations would be an important part of the way that the NSPS rule would function. For example, Kurt Waltzer, of the Clean Air Task Force, stated that “wide use of carbon dioxide captured from power and industrial plants is vital to expanded use of [EOR] in the U.S. that will increase U.S. oil production and decrease dependence on foreign oil.”⁹

Furthermore, testimony in our October hearing made the point that the cost of CCS related operations will be an important part of whether the rule, and the President’s larger climate

⁴*Id.*

⁵ In fact, no one has ever successfully obtained the necessary permit to permanently store carbon dioxide under EPA’s Class VI injection wells. Consequently, Enhanced Oil Recovery (EOR) is currently the only means of satisfying the terms of the NSPS mandate.

⁶ See *supra* at n. 4.

⁷ Standards of Performance for Greenhouse Gas Emission from New Stationary Sources: Electric Utility Generating Units (Sept. 20, 2013), prepublication version at 30-31.

⁸ Transcript of US EPA, et al. v. EME Homer City Generation, L.P., et al., (U.S. Dec. 10, 2013)(No. 12-1182)(argument of Deputy Solicitor General on behalf of EPA) at 32.

⁹ *EPA Power Plant Regulations: Is the Technology Ready?*, Subcomm. On Env. Of the H. Comm. On Science, Space, and Technology, 113th Cong. (Oct. 29, 2013) (testimony of Kurt Walzer at 2).

initiatives, can operate effectively. Charles McConnell, from Rice University and a former Assistant Secretary of Energy in the Obama Administration, explained that the President's carbon-related objectives "can only be achieved through the broad global deployment of low cost, commercially viable technology for capturing and permanently and safely storing/utilizing CO₂ from all fossil energy sources."¹⁰

Indeed, the most widely cited example of a CCS development project—the Kemper County, Mississippi project—is predicated on integrating carbon capture with state-of-the-art use of the carbon for EOR purposes. When you testified before our Committee on November 14th, the only domestic project you could name was, in fact, this same project. Although there have been significant delays and cost-overruns, as with any untested technology, we believe the Kemper County project holds promise and will advance our understanding of the science and economics of CCS. However, given the prohibitions of the Energy Policy Act of 2005 (EPA),¹¹ this project alone cannot form the basis of adequate demonstration under the Act. Moreover, the encumbrances the NSPS rule unnecessarily places on EOR operations further calls into question whether Kemper can be the basis for such a regulation.

Given the importance EPA places on using EOR to offset the incredible costs of CCS technologies,¹² we are confounded as to why the NSPS rule includes language that would impose new regulatory burdens on EOR operators who seek to use carbon captured from power plants. Specifically, the proposal would require EOR operators to meet new reporting obligations under Subpart RR of the Greenhouse Gas (GHG) reporting rules.¹³ Although these Subpart RR reporting rules have always been voluntary, the NSPS would make them mandatory for EOR operators. With this new requirement the EPA quietly declares war on EOR.

This new Agency mandate—placed only on carbon captured to satisfy the NSPS rule for power plants—creates a variety of new regulatory costs. For example, Subpart RR reporting requires that operators draft and obtain EPA approval for monitoring, reporting, and verification (MRV) plans. Not only will such MRV plans be costly to create and administer, the process for approving these plans is likely to result in litigation that will add both costs and delays for EOR operators.

All of these burdens are being imposed on an industry unrelated to power plants and with no clear justification. As EPA noted in the 2010 final GHG rule, the reporting mandates do not directly advance public health.¹⁴ These unnecessary additional costs and delays would be avoided if EPA continued to allow EOR operators accepting power plant CO₂ to report under Subpart UU, which EPA identified in its final GHG reporting rule as the more appropriate for EOR operators.¹⁵

¹⁰ *EPA Power Plant Regulations: Is the Technology Ready?*, Subcomm. On Env. Of the H. Comm. On Science, Space, and Technology, 113th Cong. (Oct. 29, 2013) (testimony of Charles D. McConnell at 3).

¹¹ 42 U.S.C. § 15962(i). See also Letter from Chairman Lamar Smith to Administrator McCarthy, Nov. 6, 2013.

¹² Standards of Performance for Greenhouse Gas Emission from New Stationary Sources: Electric utility Generating Units (Sept. 20, 2013), prepublication version at 30-31.

¹³ *Id.* at 279.

¹⁴ Instead, the Agency claimed that the "greatest benefit of mandatory reporting...will be realized in developing future GHG policies." Mandatory Reporting of Greenhouse Gases: Injection and Geologic Sequestration of Carbon Dioxide; Final Rule, 75 Fed. Reg. 75,060 (Dec. 1, 2010) at 75,075.

¹⁵ *Id.* at 75,076.

Further, the NSPS mandates that the EPA imposes on EOR operators are not the only new regulatory burdens operators must shoulder. The NSPS rule must be placed in the context of other rules EPA is pushing through. For example, the Office of Management and Budget has completed its review of an EPA final rule that addresses whether compressed carbon dioxide should be treated as a hazardous waste under the Resource Conservation and Recovery Act (RCRA). We understand that this rule would potentially grant conditional exclusions to particular types of carbon dioxide streams.

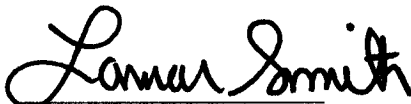
While, such a rule seems sensible, it may in fact create substantial uncertainties. For example despite their constructive and commercially important use in EOR, EPA's rule may classify these carbon dioxide streams as "solid waste." Practically speaking, that would mean exposing EOR operators to potential liability under RCRA. If the Agency merely creates a narrow carve-out for Class VI storage wells, it may fail to protect the use of carbon dioxide incidentally stored or injected for EOR purposes. The Agency must ensure that RCRA doesn't create additional obstacles to the use of anthropogenic carbon for EOR activities. The EPA cannot afford to ignore the complex consequences of its rules in real-world applications. Ultimately, the American people will bear the burden if the Agency ignores the cumulative effects of the rule-making web EPA continues to weave.

It is unacceptable that the Agency's power plant rule would create new obstacles to the very technology that the rule purports to advance. Accordingly, we look forward to your explanation regarding the justification for including the new reporting requirements in the proposed rule. We also request any analysis prepared by EPA on the costs associated with this specific provision and how those costs may affect the economic viability of the use of power plant CO₂ in EOR operations. Clearly, this rule covers the entire system of emissions reductions, and as such, EPA must address both the feasibility of new capture technologies and the unanswered concerns about storage of captured carbon.

The EPA's proposed power plant regulations will put Americans out of work and will make electricity more expensive and less reliable. It is misleading and dangerous for EPA to quietly dismiss inconvenient facts and ignore the real-world consequences of its costly regulations. Americans deserve honesty.

Thank you for your prompt attention to this matter.

Sincerely,



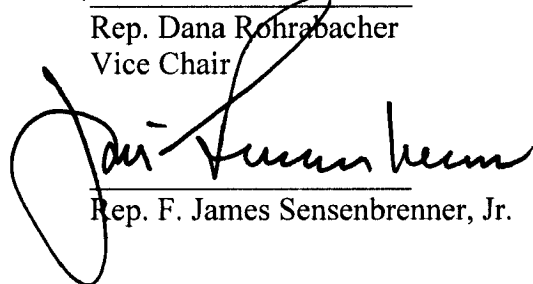
Lamar Smith
Chairman



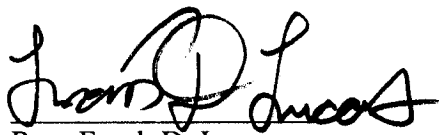
Rep. Ralph M. Hall

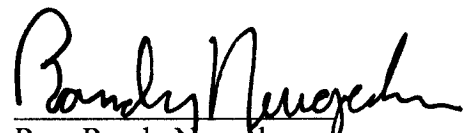


Rep. Dana Rohrabacher
Vice Chair

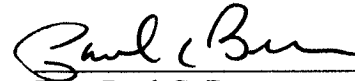


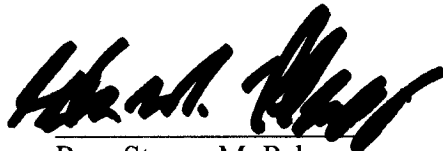
Rep. F. James Sensenbrenner, Jr.

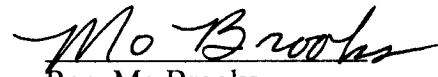

Rep. Frank D. Lucas

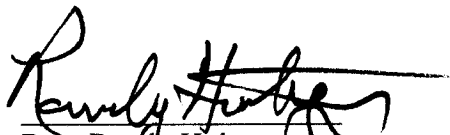

Rep. Randy Neugebauer

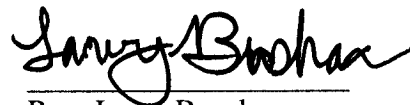

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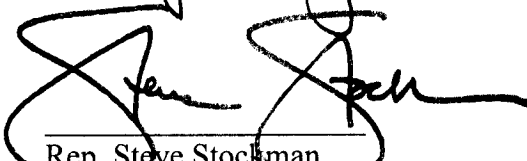

Rep. Paul C. Broun

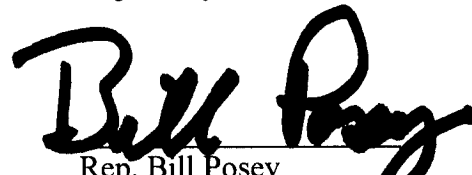

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Rep. Mo Brooks



Rep. Randy Hultgren


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Rep. Steve Stockman

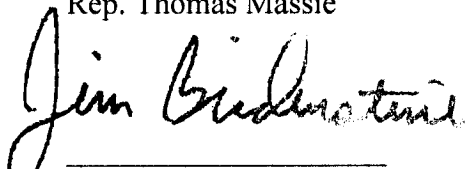

Rep. Bill Posey

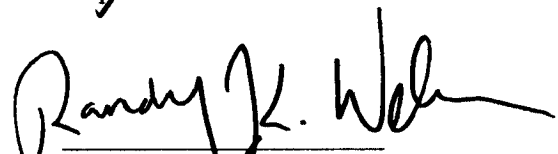

Rep. Cynthia Lummis


Rep. David Schweikert


Rep. Thomas Massie


Rep. Kevin Cramer


Rep. Jim Bridenstine


Rep. Randy Weber


Rep. Chris Collins

cc: David T. Allen, Chair, Science Advisory Board.
James R. Mihelcic, Chair, Science Advisory Board Work Group on EPA Planned Actions
Rep. Eddie Bernice Johnson, Ranking Member, Committee on Science, Space, and Technology

Congress of the United States
Washington, DC 20515

July 28, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington D.C., 20460

Dear Administrator McCarthy,

We are concerned that the Environmental Protection Agency (EPA) has proposed new ozone National Ambient Air Quality Standards (NAAQS) before completing implementation of the existing ozone standards. Between 1980 and 2013, U.S. Gross Domestic Product, population, and energy consumption grew substantially, while air emissions dropped significantly. Moving forward, EPA projects air quality will continue to substantially improve over the next ten years through various federal controls including state and industry efforts to implement the current 2008 ozone standard. EPA can support economic growth while continuing the decades-long trend towards cleaner air by maintaining the existing 75 ppb ozone standard and allowing time for our constituents to fully implement current clean air requirements.

EPA data indicates that the air is cleaner today than it has been in thirty years, progress due in large part to control measures associated with past NAAQS standards. This success shows that ozone NAAQS when given an opportunity to be fully implemented produce significant reductions. Companies seeking to build or expand facilities invest significantly in control processes. If a proposed standard cannot be met, nonattainment areas would be required to implement costly ozone-reduction measures and permitting requirements that could prove technologically difficult. Moreover, EPA acknowledges that there are alternative views on health effects evidence and risk information. Due to all these uncertainties, allowing the current standard to take full effect would alleviate any perceived concerns with measured scientific data and allow EPA time to further consider those uncertainties while still protecting air quality.

EPA's ozone rules affect all aspects of our communities and municipalities, including consumers and vital industries. EPA openly acknowledges that to meet national air quality standards a partnership is required between the federal government, states, localities and industry. Yet, the timing of EPA's proposal could strain state and local government resources. EPA delayed implementing the current 2008 standard for two years while it decided whether to reconsider that standard. EPA is just now providing states with guidance to implement the 2008 standard, and the state-federal clean air partnership should be allowed an opportunity to work.

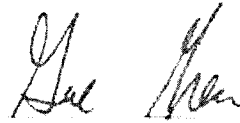
Indeed, states are currently investing substantial administrative resources to make up lost time. It could prove burdensome to force states to implement a new ozone standard at the same time they are only starting to implement the current one. We believe allowing sufficient time for existing measures to take hold, before setting a new ozone standard, would yield the desired results EPA is currently seeking.

While we recognize that EPA is under court order to complete its review of the ozone NAAQS, EPA has requested comment on maintaining the existing standard. We believe the full implementation of a standard of 75 ppb is in line with EPA goals and the ideals set forth under the Clean Air Act and, could possibly, by the next five year review, achieve lower emissions standards than originally sought. It is clear from the past that ozone standards can only achieve the desired results if they are allowed time to be fully implemented. EPA should keep in mind the newly laid out requirements in the delayed 2008 ozone NAAQS when considering whether to finalize a new, potentially stricter, standard. Therefore, we request EPA allow time for the benefits of the current ozone standard to become effective by retaining the current ozone standard.



Robert E. Latta
Member of Congress

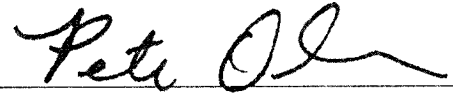
Sincerely,



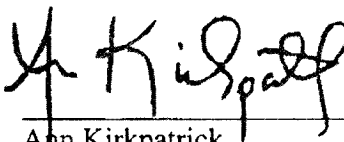
Gene Green
Member of Congress




Mike Kelly
Member of Congress



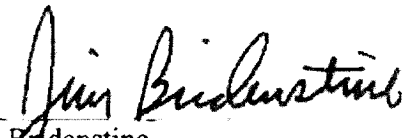
Pete Olson
Member of Congress



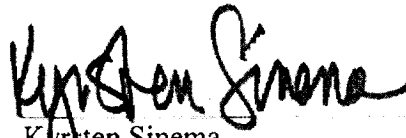
Ann Kirkpatrick
Member of Congress



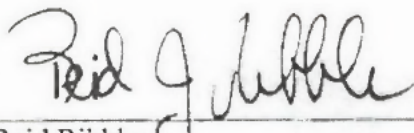
Kevin Cramer
Member of Congress



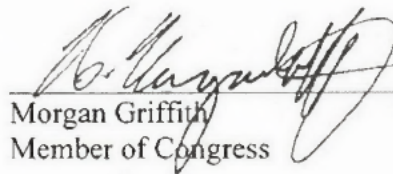
Jim Bridenstine
Member of Congress



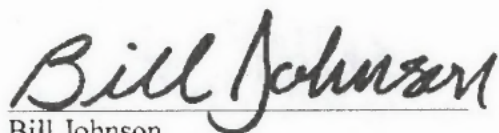
Kyrsten Sinema
Member of Congress



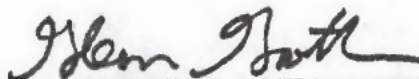
Reid Ribble
Member of Congress



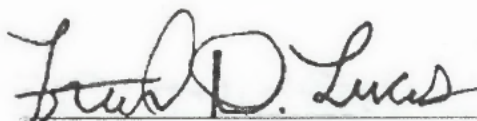
Morgan Griffith
Member of Congress



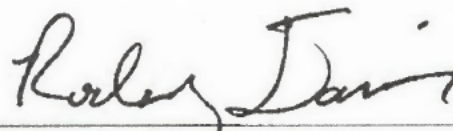
Bill Johnson
Member of Congress



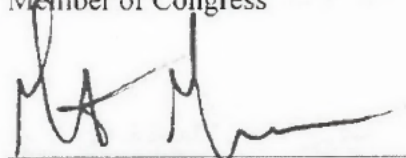
Glenn Grothman
Member of Congress



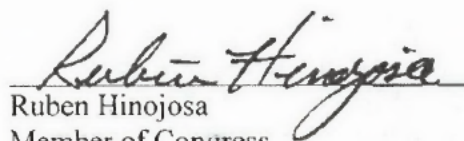
Frank Lucas
Member of Congress



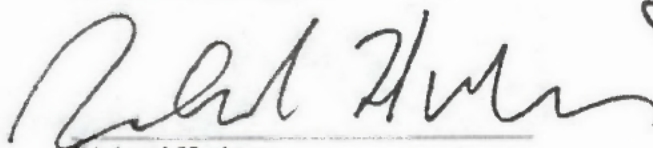
Rodney Davis
Member of Congress



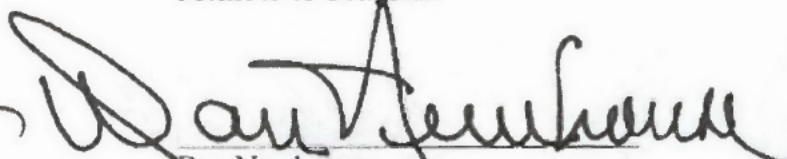
Garrett Graves
Member of Congress



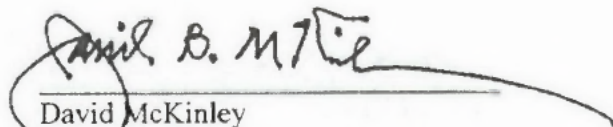
Ruben Hinojosa
Member of Congress



Richard Hudson
Member of Congress



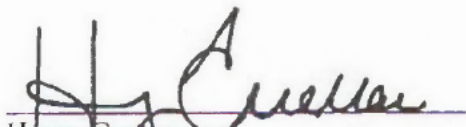
Dan Newhouse
Member of Congress



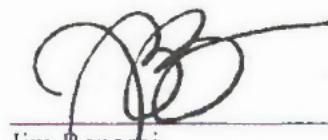
David McKinley
Member of Congress



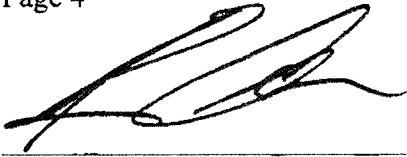
Steve Chabot
Member of Congress



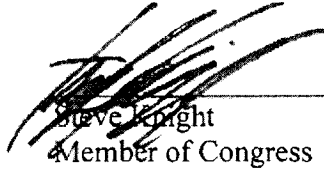
Henry Cuellar
Member of Congress



Jim Renacci
Member of Congress



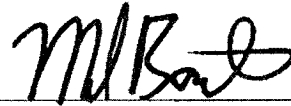
Ralph Abraham
Member of Congress



Steve Knight
Member of Congress



Gary Palmer
Member of Congress



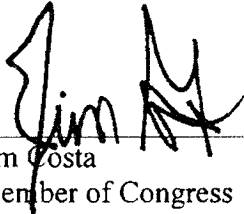
Mike Bost
Member of Congress



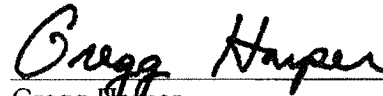
Thomas Massie
Member of Congress



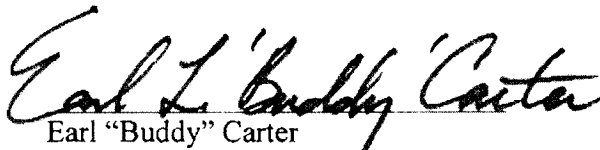
Beryl Loudermilk
Member of Congress



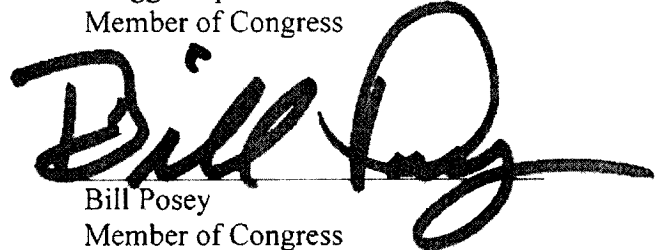
Jim Costa
Member of Congress



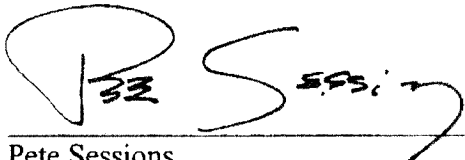
Gregg Harper
Member of Congress



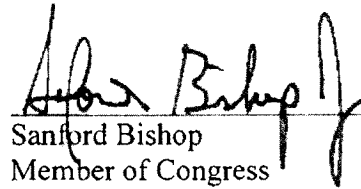
Earl "Buddy" Carter
Member of Congress




Bill Posey
Member of Congress



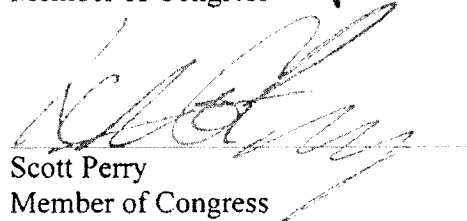
Pete Sessions
Member of Congress



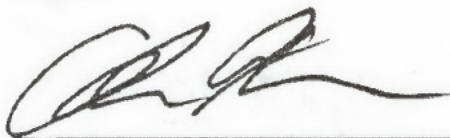
Sanford Bishop
Member of Congress



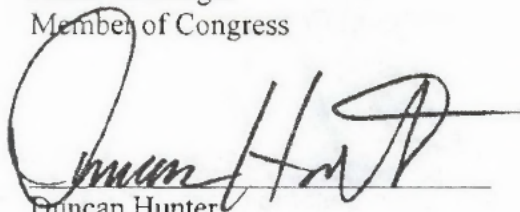
Bill Flores
Member of Congress



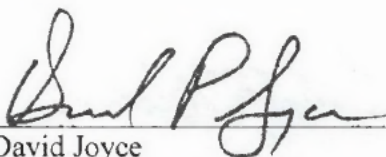
Scott Perry
Member of Congress



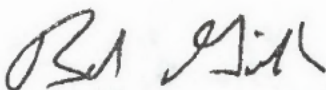
Adam Kinzinger
Member of Congress



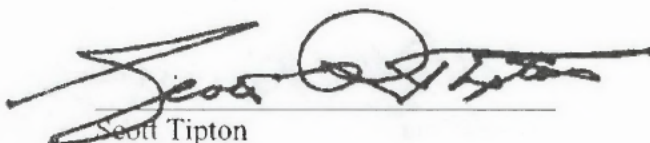
Duncan Hunter
Member of Congress



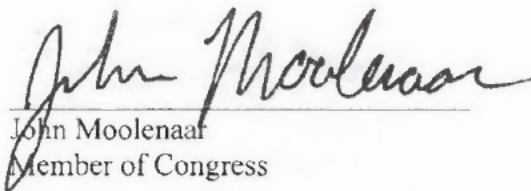
David Joyce
Member of Congress



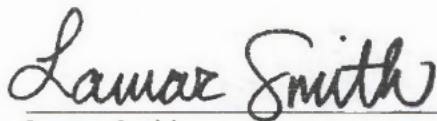
Bob Gibbs
Member of Congress



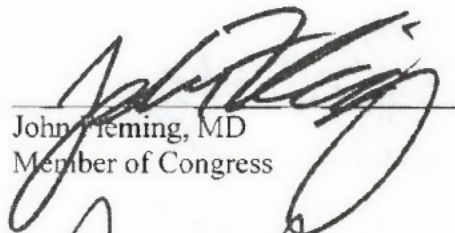
Scott Tipton
Member of Congress



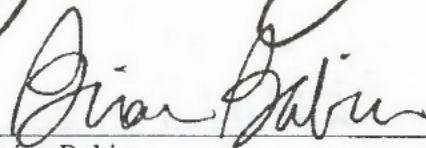
John Moolenaar
Member of Congress



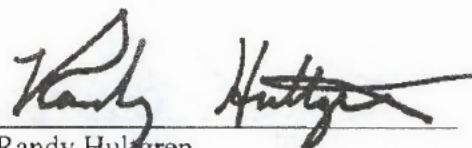
Lamar Smith
Member of Congress



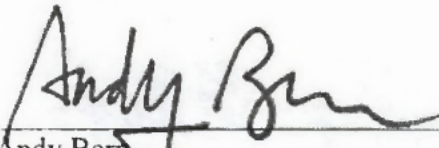
John Fleming, MD
Member of Congress



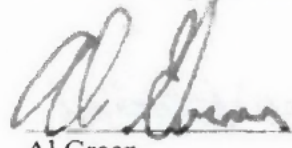
Brian Babin
Member of Congress



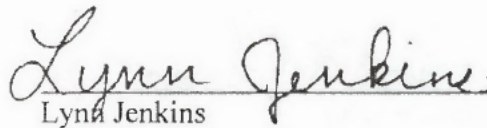
Randy Hultgren
Member of Congress



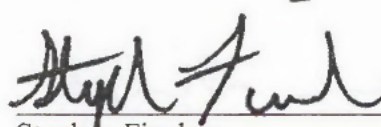
Andy Barr
Member of Congress



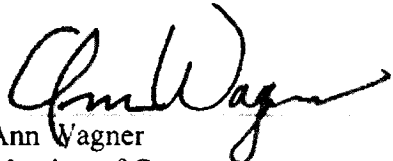
Al Green
Member of Congress



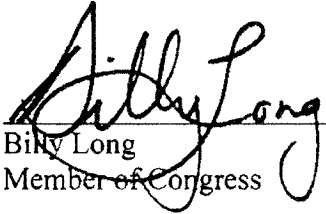
Lynn Jenkins
Member of Congress



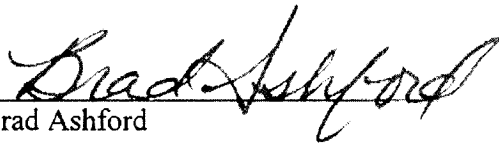
Stephen Fincher
Member of Congress




Ann Wagner
Member of Congress



Billy Long
Member of Congress



Brad Ashford
Member of Congress



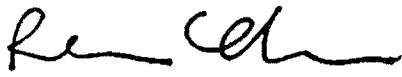
Ken Buck
Member of Congress



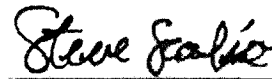
Susan Brooks
Member of Congress



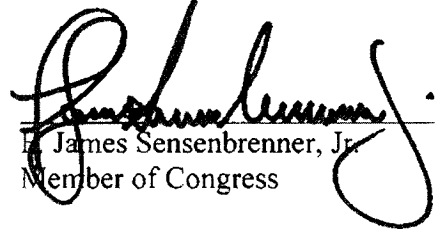
Evan Jenkins
Member of Congress



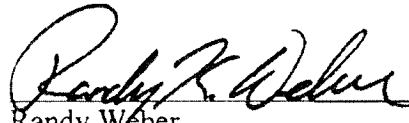
Renee Ellmers
Member of Congress



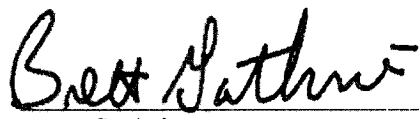
Steve Scalise
Member of Congress



James Sensenbrenner, Jr.
Member of Congress



Randy Weber
Member of Congress



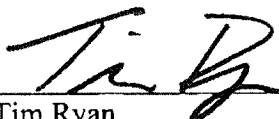
Brett Guthrie
Member of Congress



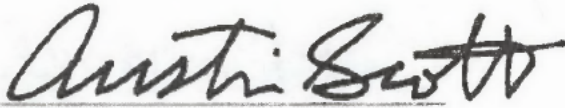
Mike Pompeo
Member of Congress



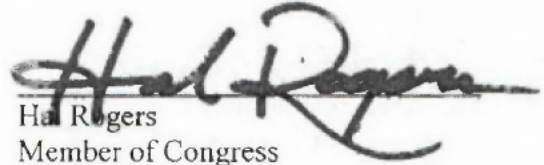
Rick Crawford
Member of Congress



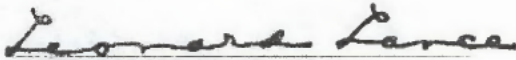
Tim Ryan
Member of Congress



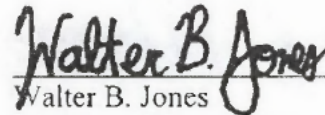
Austin Scott
Member of Congress



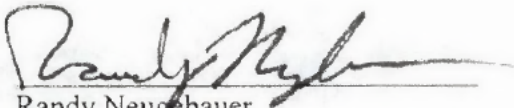
Hal Rogers
Member of Congress



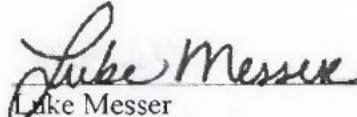
Leonard Lance
Member of Congress



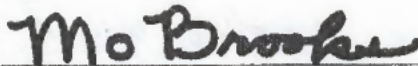
Walter B. Jones
Member of Congress



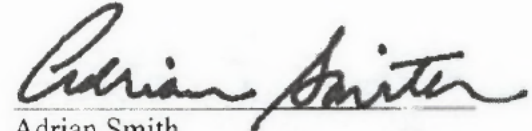
Randy Neugebauer
Member of Congress



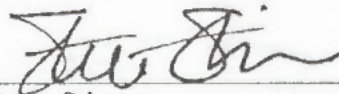
Luke Messer
Member of Congress



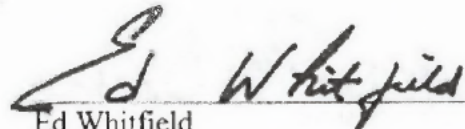
Mo Brooks
Member of Congress



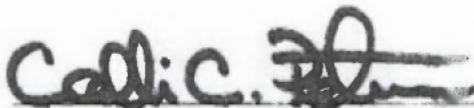
Adrian Smith
Member of Congress



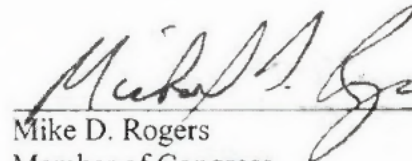
Steve Stivers
Member of Congress



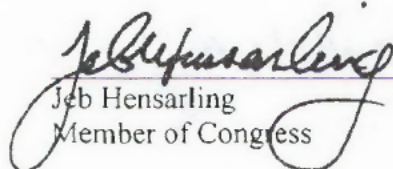
Ed Whitfield
Member of Congress



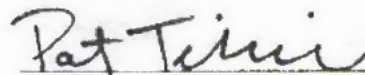
Collin Peterson
Member of Congress



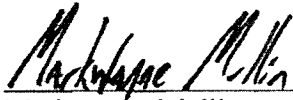
Mike D. Rogers
Member of Congress



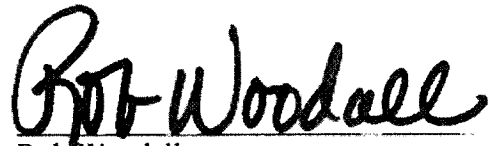
Jeb Hensarling
Member of Congress



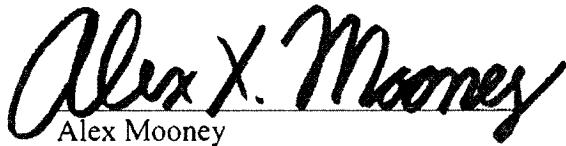
Patrick Tiberi
Member of Congress



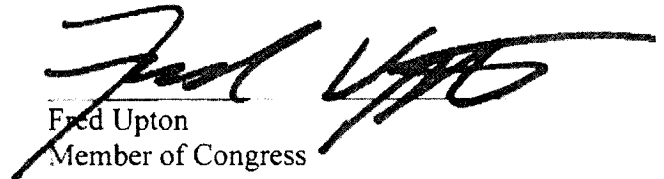
Markwayne Mullin
Member of Congress



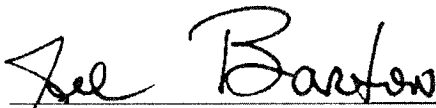
Rob Woodall
Member of Congress



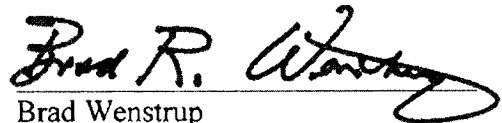
Alex Mooney
Member of Congress



Fred Upton
Member of Congress



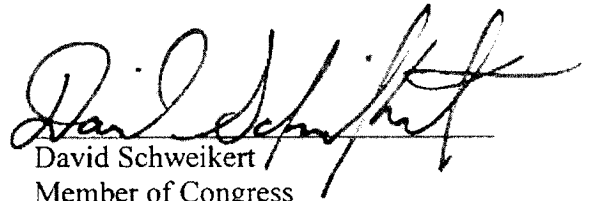
Joe Barton
Member of Congress



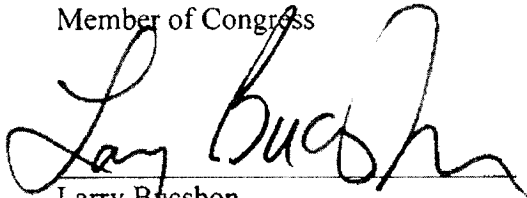
Brad Wenstrup
Member of Congress



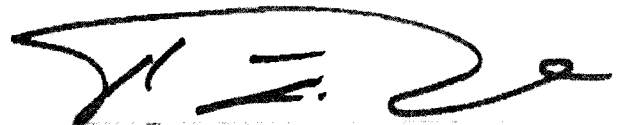
Chuck Fleischmann
Member of Congress



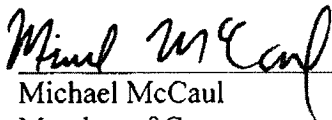
David Schweikert
Member of Congress



Larry Bucshon
Member of Congress



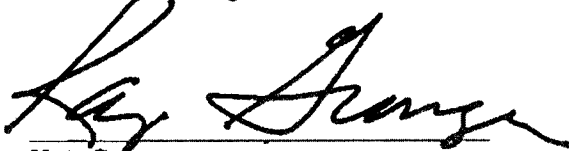
Cedric Richmond
Member of Congress



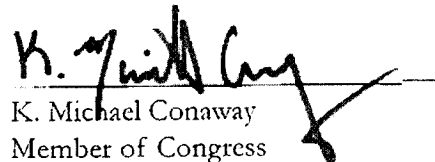
Michael McCaul
Member of Congress



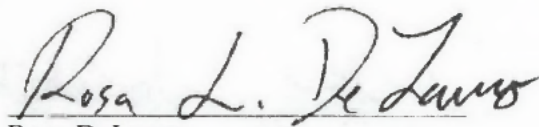
Bruce Westerman
Member of Congress



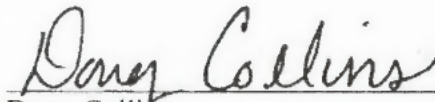
Kay Granger
Member of Congress



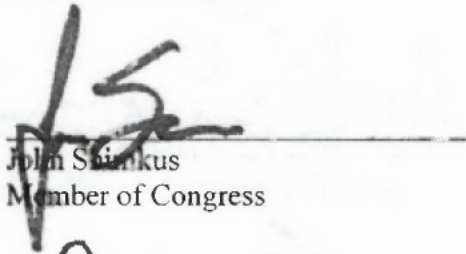
K. Michael Conaway
Member of Congress



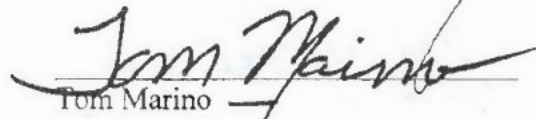
Rosa DeLauro
Member of Congress



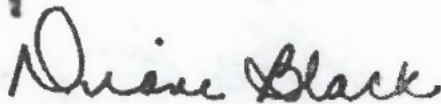
Doug Collins
Member of Congress



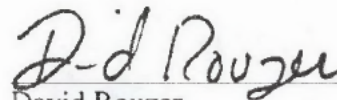
John Stankus
Member of Congress



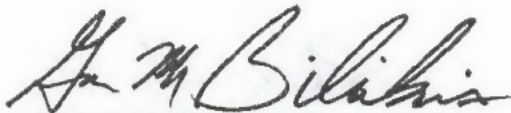
Tom Marino
Member of Congress



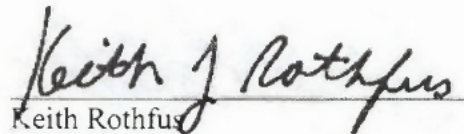
Diane Black
Member of Congress



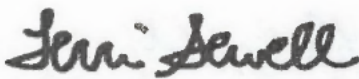
David Rouzer
Member of Congress



Gus M. Bilirakis
Member of Congress



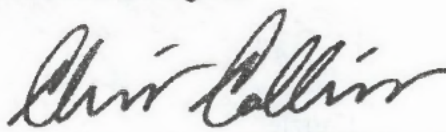
Keith Rothfus
Member of Congress



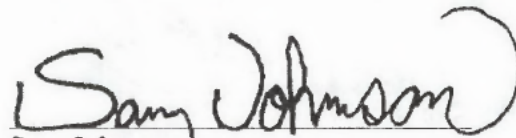
Terri Sewell
Member of Congress



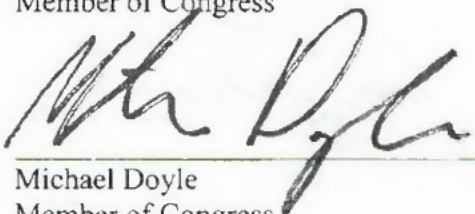
Ted S. Yoho, D.V.M.
Member of Congress



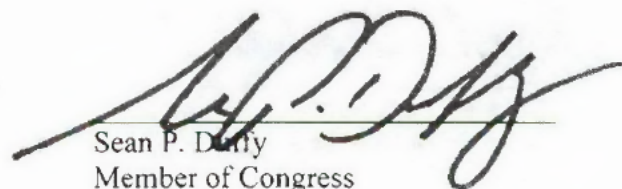
Chris Collins
Member of Congress



Sam Johnson
Member of Congress



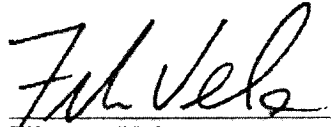
Michael Doyle
Member of Congress



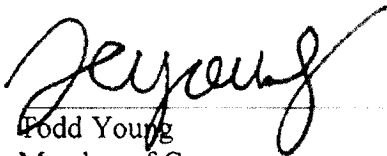
Sean P. Duffy
Member of Congress



John Culberson
Member of Congress



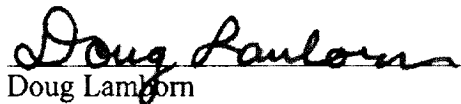
Filemon Vela
Member of Congress



Todd Young
Member of Congress



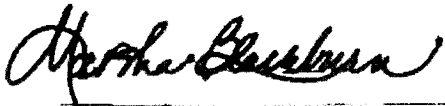
Jason Smith
Member of Congress



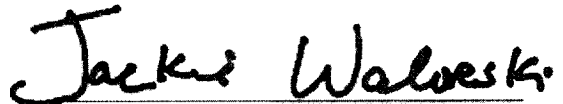
Doug Lamborn
Member of Congress



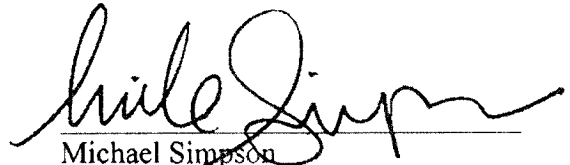
Phil Roe, M.D.
Member of Congress



Marsha Blackburn
Member of Congress



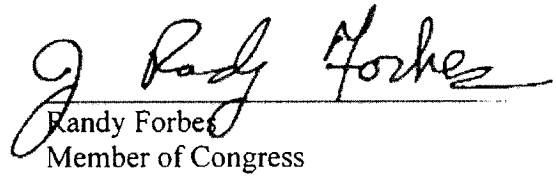
Jackie Walorski
Member of Congress



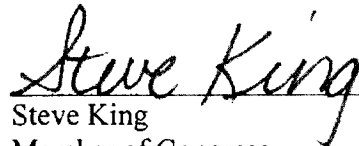
Michael Simpson
Member of Congress



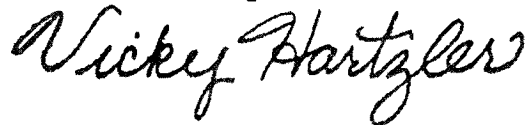
Andy Harris
Member of Congress



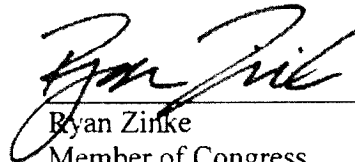
Randy Forbes
Member of Congress



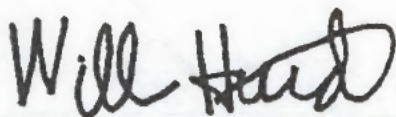
Steve King
Member of Congress



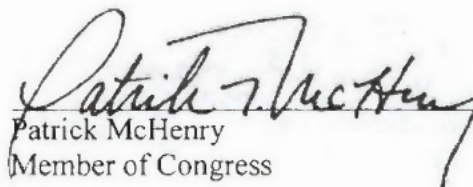
Vicky Hartzler
Member of Congress



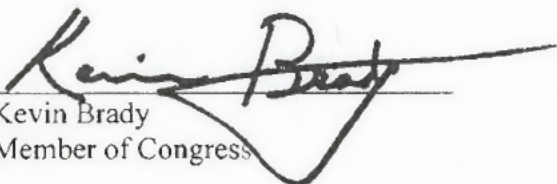
Ryan Zinke
Member of Congress



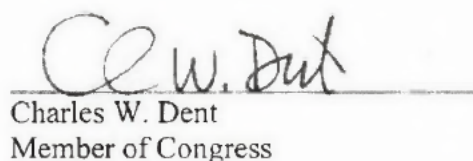
Will Hurd
Member of Congress



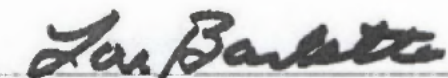
Patrick McHenry
Member of Congress



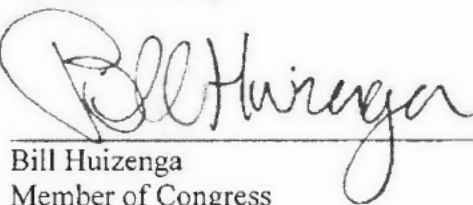
Kevin Brady
Member of Congress



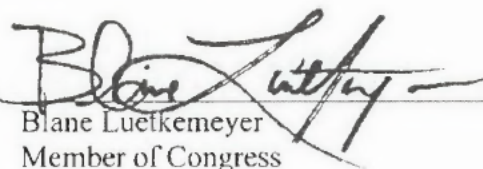
Charles W. Dent
Member of Congress



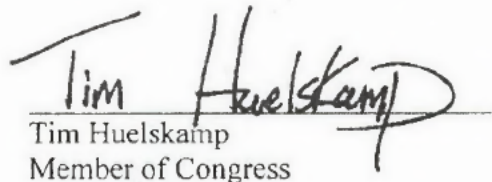
Lou Barletta
Member of Congress



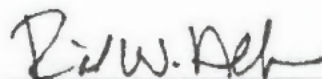
Bill Huizenga
Member of Congress



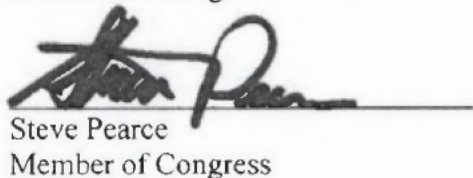
Blaine Luetkemeyer
Member of Congress



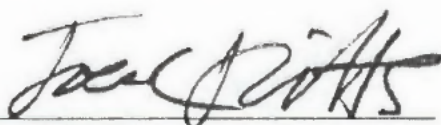
Tim Huelskamp
Member of Congress



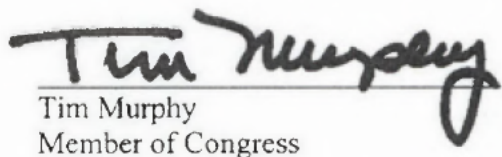
Rick Allen
Member of Congress



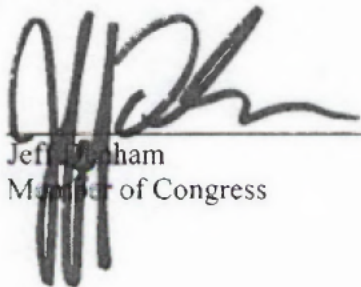
Steve Pearce
Member of Congress



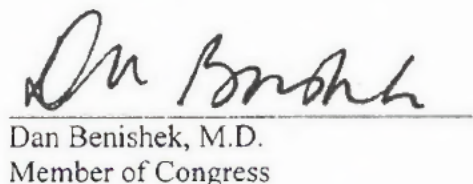
Joseph R. Pitts
Member of Congress



Tim Murphy
Member of Congress



Jeff Vanham
Member of Congress



Dan Benishek, M.D.
Member of Congress

The Honorable Gina McCarthy
July 28, 2015
Page 12

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Bradley Byrne
Member of Congress

A handwritten signature in black ink, appearing to read 'Rod Blum', written over a horizontal line.

Rod Blum
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 22 2015

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of July 28, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects.

As you note we have made great progress in improving air quality and public health in the United States, and it has not come at the expense of our economy. Indeed, over the past 40 years, air pollution has decreased by nearly 70 percent while the economy has tripled. The recently adopted clean air regulations you mention will certainly improve ozone levels across the country, and as a result, we expect more areas to have improved air quality in the future.

I appreciate your comments on the ozone proposal and have asked my staff to place your letter in the docket for the rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371

www.science.house.gov

December 6, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

We are writing to express our serious concerns with the lack of balance and transparency in the Environmental Protection Agency's (EPA) public outreach process associated with forthcoming greenhouse gas regulations for existing power plants. As you know, these regulations are likely to be among the most costly in EPA history, with the potential to have major negative impacts on the affordable and reliable electricity that is a foundation of America's economic strength.

On September 30, EPA announced a "listening session tour" to "solicit ideas and input from the public and stakeholders about the best Clean Air Act approaches" to regulating existing power plants.¹ In the Agency's own words, "the feedback from these 11 public listening sessions will play an important role in helping EPA develop smart, cost-effective guidelines that reflect the latest and best information available."²

The listening sessions, which concluded on November 8, had the potential to be a genuine opportunity for EPA to ensure a robust, interactive process that could result in sensible, balanced, rulemaking. However, this opportunity was squandered due to two fundamental flaws in EPA's approach.

First, as has been widely reported, EPA chose to hold nearly all of these listening sessions in areas of the country that would be the least affected by the rules. EPA's Public Involvement Policy states that "when the subject of a public hearing, meeting or other information exchange process relates to conditions or facilities in a specific geographic area, EPA should hold the public hearing or meeting in that general geographic area."³ Nonetheless,

¹ EPA News Release, "EPA to Hold Public Listening Sessions on Reducing Carbon Pollution from Existing Power Plants," Sep. 30, 2013, *available at* <http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/58f7b2a02ac26ea885257bf6006b6908!opendocument> [hereinafter EPA News Release].

² EPA News Release at 1.

³ EPA's Office of Policy, Economics and Innovation, "Public Involvement Policy," May 2003, *available at* <http://www.epa.gov/publicinvolvement/pdf/policy2003.pdf>.

states which are among the most reliant on coal for electricity generation in the country were ignored. Adding insult to injury, we were disappointed that at the Committee's November 14th hearing you rejected multiple requests from us to hold additional listening sessions.

Second, and perhaps even more troubling, it is our understanding that EPA did not transcribe, webcast, or otherwise record the comments presented at the 11 listening sessions. If there is no record of what was said, it's unclear how the Agency can claim the sessions were designed for the purpose of "helping EPA develop smart, cost-effective guidelines."⁴ While EPA did allow written comments to be submitted at the sessions, many if not most presenters gave only oral remarks. In addition, it is our understanding that EPA does not intend to make public the written comments that were submitted.

Given these concerns, we request your response to the following items.


1. Why did EPA ignore the requirement in its Public Involvement Policy to hold listening sessions in the geographic areas of the country most affected by the upcoming rule?
2. We request that EPA hold listening sessions on the forthcoming rules in the States most affected by EPA's upcoming rule and that these sessions be transcribed and made part of the public docket associated with the regulations. We stand ready to work with you and appropriate state and local officials to ensure these can be scheduled and carried out at minimal cost and burden to the Agency.
3. On November 1, 2013, EPA Assistant Administrator for Air and Radiation, Janet McCabe, issued a statement on the EPA website asserting that "[w]e want to be open to any and all information about what is important to each state and stakeholders" and that "[w]e've been working with everyone from governors, mayors, Members of Congress, state and local government officials – from every region of the country — to environmental groups, health organizations, faith groups, and many others."⁵ For each of our states, please provide a list of EPA meetings with and outreach to stakeholders since August 1, 2013.
4. Please explain why EPA chose not to transcribe or otherwise record the public listening sessions. How can the sessions' objective to ensure EPA develops smart and cost-effective guidelines possibly be met if the EPA staff responsible for writing the rule do not even know what the comments were? What opportunities exist to collect and archive commenters' remarks, or otherwise remedy this decision?
5. In order for stakeholders and the public to see the input that the Agency is considering, we ask that EPA make public all written comments submitted to the Agency associated with these listening sessions, as well as through the carbonpollutioninput@epa.gov online portal.


⁴ EPA News Release at 1.


⁵ EPA Connect, "Vigorous Public Outreach to Cut Carbon Pollution and Fight Climate Change," Nov. 1, 2013, available at <http://blog.epa.gov/epaconnect/2013/11/carbon-pollution-outreach/>.

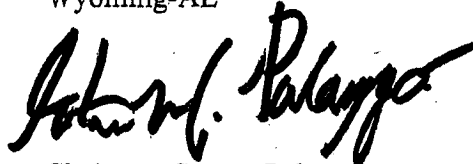
We recognize that we have significant policy differences when it comes to these rules. However, there are clearly areas of opportunity for cooperation. Ultimately, the credibility of EPA decisions in these areas will be greatly enhanced if the American people can trust the process through which such decisions are reached. We look forward to working with you to make this happen.

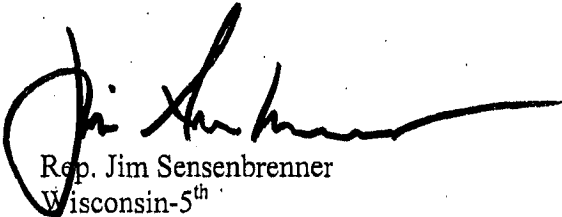
Sincerely,

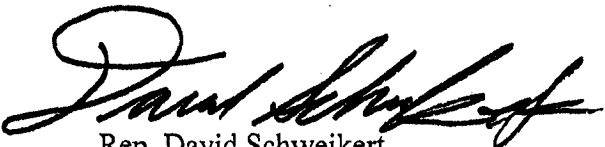

Chairman Chris Stewart
Environment Subcommittee
Utah-2nd


Chairman Cynthia Lummis
Energy Subcommittee
Wyoming-AL


Chairman Larry Bucshon
Research & Technology Subcommittee
Indiana-8th

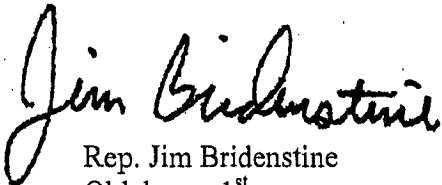

Chairman Steven Palazzo
Space Subcommittee
Mississippi-4th


Rep. Jim Sensenbrenner
Wisconsin-5th


Rep. David Schweikert
Arizona-6th


Rep. Thomas Massie
Kentucky-4th


Rep. Kevin Cramer
North Dakota-AL


Rep. Jim Bridenstine
Oklahoma-1st

Sensenbrenner: R 2449

Buchson: L 1005

Cramer: L 1032

Schweikert: L 1205

Lummis: C 113

Bridenstine: C 216

Massie: C 314

Stewart: C 323

Palazzo: C 331



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 11 2014

OFFICE OF
AIR AND RADIATION

The Honorable Cynthia Lummis
Chairman
Subcommittee on Energy
Committee on Science, Space, and Technology
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Lummis:

Thank you for your letter of December 6, 2013, to U.S. Environmental Protection Agency Administrator Gina McCarthy expressing your concerns about the EPA's efforts to address carbon pollution from existing fossil fuel-fired power plants and the agency's outreach efforts in advance of the June 2014 proposal. The Administrator has asked that I respond on her behalf.

As we consider the development of guidelines for existing power plants, the EPA is engaged in vigorous and unprecedented outreach with the public, key stakeholders, and the states. The eleven listening sessions the EPA held throughout the country were attended by thousands of people, representing many states and a broad range of stakeholders, including many from the coal industry. In addition, the EPA leadership and senior staff in Washington, D.C. and in every one of our ten regional offices have been meeting with industry leaders and Chief Executive Officers from the coal, oil, and natural gas sectors; state, tribal, and local government officials from every region of the country, including states most reliant on coal for electricity; and environmental and public health groups, faith groups, labor groups, and others. Our meetings with state governments have encompassed leadership and staff from state environment departments, state energy departments and state public utility commissions. We are doing this because we want – and need – all available information about what is important to each state and stakeholder. We know that the guidelines will need to be flexible and sensitive to state and regional differences.

Your letter expresses concern about the outreach process and our commitment to transparency. As the enclosures illustrate, the EPA has engaged in unprecedented outreach activities and offered multiple venues and avenues for collecting input from stakeholders, including those in your state. We have posted input from stakeholders and summaries of the public listening sessions at www.regulations.gov in a non-regulatory docket: EPA-HQ-OAR-2014-0020, where they are available for the public to view. We continue to meet with interested groups and individuals about moving forward with reducing carbon pollution from existing power plants under section 111(d) of the Clean Air Act.

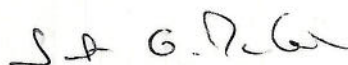
We welcome feedback and ideas from you as well as your constituents about how the EPA should develop and implement carbon pollution guidelines for existing power plants under the Clean Air Act. Interested stakeholders can send their thoughts through email at carbonpollutioninput@epa.gov.

Stakeholders can also learn more about what we are doing at www.epa.gov/carbonpollutionstandard. I welcome you to provide a link to our website from yours, and to share any other information about the EPA's public engagement activities with the citizens of your state.

Please note that the public meetings we've been holding to date and other outreach efforts are happening well before we propose guidelines. When we issue the draft guidelines in June 2014, an on the record public comment period will follow, as with all rules, and more opportunities for public hearings and stakeholder outreach and engagement. I look forward to hearing what you think about the draft guidelines at that time, too.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,



Janet G. McCabe
Acting Assistant Administrator

Enclosures

1. Responses to the five questions
2. List of EPA meetings and outreach to stakeholders in select states since August 1, 2013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 11 2014

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of December 6, 2013, to U.S. Environmental Protection Agency Administrator Gina McCarthy expressing your concerns about the EPA's efforts to address carbon pollution from existing fossil fuel-fired power plants and the agency's outreach efforts in advance of the June 2014 proposal. The Administrator has asked that I respond on her behalf.

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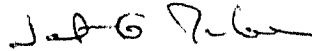
Your letter expresses concern about the outreach process and our commitment to transparency. As the enclosures illustrate, the EPA has engaged in unprecedented outreach activities and offered multiple venues and avenues for collecting input from stakeholders, including those in your state. We have posted input from stakeholders and summaries of the public listening sessions at www.regulations.gov in a non-regulatory docket: EPA-HQ-OAR-2014-0020, where they are available for the public to view. We continue to meet with interested groups and individuals about moving forward with reducing carbon pollution from existing power plants under section 111(d) of the Clean Air Act.

We welcome feedback and ideas from you as well as your constituents about how the EPA should develop and implement carbon pollution guidelines for existing power plants under the Clean Air Act. Interested stakeholders can send their thoughts through email at carbonpollutioninput@epa.gov. Stakeholders can also learn more about what we are doing at www.epa.gov/carbonpollutionstandard. I welcome you to provide a link to our website from yours, and to share any other information about the EPA's public engagement activities with the citizens of your state.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", with a stylized flourish at the end.

Janet G. McCabe
Acting Assistant Administrator

Enclosures

1. Responses to the five questions
2. List of EPA meetings and outreach to stakeholders in select states since August 1, 2013

Enclosure 1

1. Why did EPA ignore the requirement in its Public Involvement Policy to hold listening sessions in the geographic areas of the country most affected by the upcoming rule?

The EPA takes very seriously its responsibility to consult both interested and affected segments of the public and to take public viewpoints into consideration before proposing carbon pollution standards for existing power plants. To that end, the agency hosted eleven public listening sessions — one in each of the agency's ten regional offices and one in Washington, D.C. The EPA regional offices are well accustomed to reaching out to citizens, communities, and state and local government officials across their regions.

The EPA and its regional offices are publically accessible locations that stakeholders are accustomed to visiting. Fostering equal, open, and early access for interested and affected parties is always a priority for the EPA. Holding the listening sessions at the EPA's regional offices offered thousands of people the opportunity to provide input to the EPA officials and was a prudent use of tax-payer dollars, consistent with the 2003 EPA Public Involvement Policy. More than 3,300 people attended the eleven public listening sessions with more than 1,600 people speaking. Numerous and varied perspectives were shared by interested and affected citizens across the country. Many were concerned by the impacts of climate change on their health and on future generations. Others were worried about the impact of regulations on the economy.

In addition to being well located, holding the sessions in regional offices allowed the Agency to utilize in-house meeting resources. It also enabled a variety of the EPA staff involved in the development and ultimate implementation of this upcoming rule to attend and support the geographically diverse sessions.

For individuals or groups unable to attend one of the eleven listening sessions, the EPA set up two user-friendly, alternative options to accept input — a new email account: carbonpollutioninput@epa.gov; and a web-based form: <http://www2.epa.gov/carbon-pollution-standards/forms/carbon-pollution-standards-contact-us>. These links, along with policy, program, and technical information about this rulemaking effort are available on the EPA's website at: <http://www2.epa.gov/carbon-pollution-standards>. The EPA has received more than 2,000 emails offering input into the development of these guidelines.

2. We request that EPA hold listening sessions on the forthcoming rules in the States most affected by EPA's upcoming rule and that these sessions be transcribed and made part of the public docket associated with the regulations. We stand ready to work with you and appropriate state and local officials to ensure these can be scheduled and carried out at minimal cost and burden to the Agency.

The EPA is committed to an open dialogue with the public and stakeholders about the best ways to reduce carbon pollution from existing power plants using section 111(d) of the Clean Air Act. The EPA has embarked on a significant outreach effort that has included more than 200 meetings with the public and stakeholders, including utilities, fuel suppliers, environmental groups, labor leaders, industry groups, consortiums of states and individual states. Our interactions with the states are especially important because the states are critical to the implementation of the guidelines. We have reached out to all of the states and are in regular contact with them about this effort. Our outreach has also included local officials. Mayors, in particular, have been

leading the effort to address climate change with innovative ideas; more than 1,000 mayors across the country have signed agreements to cut carbon pollution.

Our efforts to reach out to everyone interested in this endeavor have also included a public webinar. That August 2013 presentation has been viewed online more than 4,100 times and was first shared with the states. Since we are in the pre-proposal stage of our effort to draft guidelines under section 111(d), there is not a rulemaking docket open. A rulemaking docket will be available when the rule is proposed in June 2014. However, as part of our outreach efforts and our commitment to transparency, we have opened a document repository (non-rulemaking docket) for the section 111(d) outreach effort through www.regulations.gov. We are placing into this repository the information we have received in stakeholder meetings, submitted through the carbonpollutioninput@epa.gov email address, and provided to the EPA at the public listening sessions. These materials are available for public view through the public website.

- 3. On November 1, 2013, EPA Assistant Administrator for Air and Radiation, Janet McCabe, issued a statement on the EPA website asserting that "[w]e want to be open to any and all information about what is important to each state and stakeholders" and that "[w]e've been working with everyone from governors, mayors, Members of Congress, state and local government officials – from every region of the country — to environmental groups, health organizations, faith groups, and many others." For each of our states, please provide a list of EPA meetings with and outreach to stakeholders since August 1, 2013?**

The EPA recognizes the importance of working with the stakeholders, in particular the states, to ensure a clear and common understanding of the role of the states to carry out the planning process for addressing carbon pollution from power plants. The agency's engagement has included citizens from across the nation and state and tribal officials. We have held more than 200 meetings across the nation. Some meetings were face-to-face, others were conference calls, and still others were outreach at large conferences. The EPA is reaching out to as many people in as many venues as possible during this unprecedented outreach effort.

Public Listening Sessions

The agency held eleven public listening sessions around the country at the EPA regional offices and in Washington, DC. More than 3,300 people attended and more than 1,600 people spoke at the listening sessions. Each of the following sessions across the country included citizens who both oppose and support the effort, and individuals from many states were represented at the meetings:

- November 4, 2013, EPA Region 1 held a public listening session in Boston, MA. Approximately 140 people attended and 74 people spoke.
- October 23, 2013, EPA Region 2 held a public listening session in New York, NY. Approximately 178 people attended and 91 people spoke.
- November 8, 2013, EPA Region 3 held a public listening session in Philadelphia, PA. Approximately 200 people attended and 100 people spoke.
- October 23, 2013, EPA Region 4 held a public listening session in Atlanta, GA. Approximately 156 people attended and 75 people spoke.

- November 8, 2013, EPA Region 5 held a public listening session in Chicago, IL. Approximately 550 people attended and 300 people spoke.
- November 7, 2013, EPA Region 6 held a public listening session in Dallas, TX. Approximately 400 people attended and 222 people spoke.
- November 4, 2013, EPA Region 7 held a public listening session in Lenexa, KS. Approximately 391 people attended and 139 people spoke.
- October 30, 2013, EPA Region 8 held a public listening session in Denver, CO. Approximately 267 people attended and 153 people spoke. November 5, 2013, EPA Region 9 held a public listening session in San Francisco, CA. Approximately 255 people attended and 123 people spoke.
- November 7, 2013, EPA Region 10 held a public listening session in Seattle, WA. Approximately 252 people attended and 76 people spoke.
- November 7, 2013, EPA HQ held a public listening session in Washington, DC. Approximately 500 people attended and 243 people spoke.

Summaries of all of these sessions are available at www.regulations.gov under EPA-HQ-OAR-0020. Speakers included and represented Members of Congress and other elected officials from all levels of government, public officials, industry representatives, faith-based organizations, unions, environmental groups, community groups, students, public health groups, energy groups, academia and concerned citizens.

Meetings with State Officials

Before the agency started writing this proposal, the agency provided multiple opportunities to engage with each of the 50 states to inform this proposal. In addition, the agency encouraged and organized multi-state meetings because of the interconnectedness of the power sector, and the fact that electricity generated at power plants crosses state lines. The meetings provided state leaders, including governors, environmental commissioners, energy officers, public utility commissioners, and air program directors, opportunities to engage with EPA officials. EPA Administrator Gina McCarthy, the EPA's Regional Administrators, Acting Assistant Administrator for the Office of Air and Radiation, Janet McCabe, and Senior Counsel for the Office of Air and Radiation, Joe Goffman, participated in meetings with states.

Agency officials listened to ideas, concerns and details from the states, which have a wide range of experience with reducing carbon pollution from power plants. The EPA is interested in input from all of them, and will continue to engage with them throughout the rulemaking process. The agency has collected policy papers and other documents from states that explain overarching energy goals and technical details. In addition to the meetings listed in Enclosure 2, the agency participated in focused meetings with state officials, including:

- On September 17, 2013, Environmental Commissioners of the States (ECOS) engaged with EPA officials in a working session on Clean Air Act 111(d) standards. During this session, the commissioners discussed the following issues: legal framework, state planning, and more opportunities for state input.
- The National Association of Clean Air Agencies (NACAA) and the Association of Air Pollution Control Agencies (AAPCA) held meetings in the Fall 2013 that EPA

representatives attended and engaged in detailed section 111(d) discussions with the members. Members of these associations include air directors from the states.

- The EPA participated in a webinar with officials from the National Association of Regulatory Utility Commissioners (NARUC) in September 2013 to provide their members with background information on the Clean Air Act and reducing carbon pollution from existing power plants, and engaged in a roundtable discussion as part of NARUC's Annual Meeting in November 2013 to explore ideas and discuss potential concerns.
- The EPA attended the National Association of State Energy Officials (NASEO) Annual Meeting in September 2013 and participated on a panel that provided background on reducing carbon pollution from existing power plants.
- The EPA attended a meeting with state energy advisors as part of a National Governors Association (NGA) workshop in September 2013.
- In November 2013, EPA officials participated in a joint meeting of the NACAA, NARUC and NASEO associations to garner feedback on the EPA's framing questions.
- The EPA met with air program directors from western states at the November 2013 WESTAR fall business meeting. This included the states of Alaska, Arizona, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.
- The EPA met with the Ozone Transport Commission, including state environmental commissioners from the northeastern states, in November 2013.
- The Georgetown Climate Center held a two day meeting with EPA officials to discuss section 111(d) standards with state and utility representatives. Representatives of the states of Arkansas, California, Colorado, Illinois, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, and Oregon participated in the meeting with utility representatives.
- In September 2013, the EPA attended a workshop on economic modeling approaches, which was attended by several states, utilities and environmental organizations.
- EPA officials and staff attended a workshop held by Duke University's Nicholas Institute and attended by several states to discuss implementation issues surrounding reducing carbon pollution from existing power plants.

Input from all of these meetings and many others have been reviewed by the rule writing workgroup and is informing the section 111(d) program design.

- 4. Please explain why EPA chose not to transcribe or otherwise record the public listening sessions. How can the sessions' objective to ensure EPA develops smart and cost-effective guidelines possibly be met if the EPA staff responsible for writing the rule do not even**

know what the comments were? What opportunities exist to collect and archive commenter's remarks, or otherwise remedy this decision?

The EPA's section 111(d) listening sessions represented an unprecedented outreach to communities across the country before any EPA action is taken. This outreach is in advance of the formal public comment period that will occur after the guidelines are proposed in June 2014. More than 3,300 people attended the section 111(d) listening sessions and of the attendees more than 1,600 people offered their input orally to senior EPA leadership, staff and technical experts. All of the listening sessions have been summarized and posted on the web. Information received at the public listening sessions was captured □ from detailed insights to general themes □ in notes by seasoned EPA staff dedicated to this task for each of the sessions. The comment cards that EPA staff distributed at the listening sessions have all been scanned so that they can be uploaded into the document repository we have created for the public to access. That docket number is EPA-HQ-OAR-2014-0020 and can be accessed on www.regulations.gov.

In addition, more than 2,000 emails have been submitted to the dedicated email address that the EPA created specifically for input: carbonpollutioninput@epa.gov. Emails submitted with comments on the EPA's efforts to reduce carbon pollution from existing power plants are also being uploaded to the document repository listed above.

All of the input we have received is being carefully weighed by the EPA staff writing the rules and will continue to inform program design as we move forward in this process.

Enclosure 2 provides a list of EPA meetings with and outreach to stakeholders in your states.

- 5. In order for stakeholders and the public to see the input that the Agency is considering we ask that EPA make public all written comments submitted to the Agency associated with these listening sessions, as well as through the carbonpollutioninput@epa.gov online portal.**

As noted above, emails submitted with comments on the EPA's efforts to reduce carbon pollution from existing power plants are being uploaded to EPA-HQ-OAR-2014-0020 at www.regulations.gov.

Enclosure 2

LIST OF EPA MEETINGS WITH AND OUTREACH TO STAKEHOLDERS IN SELECT STATES SINCE AUGUST 1, 2013

State	Outreach Meeting	Date
Arizona	EPA Region 9 public listening session	November 5, 2013
	Meeting at Arizona Department of Environmental Quality, Arizona Corporation Commission, Governor's Office	November 21, 2013
	Arizona Public Service	November 21, 2013
	Salt River Project	November 21, 2013
Indiana	Call with state air directors	November 7, 2013
	EPA Region 5 public listening sessions	November 8, 2013
	Video conference call with Environmental Commissioners, Public Utility Commissioners and State Energy Offices	November 22, 2013
	Listening sessions with Midwest Utilities	December 13, 2013
Kentucky	Meeting with Kentucky Governor, Secretary for Energy and Environment, and Assistant Secretary for Climate Policy	September 19, 2013
	EPA Region 4 public listening session	October 23, 2013
	Power Experts Conference Atlanta, GA	October 29, 2013
	Power Plant Management and Generation Summit Atlanta, GA	October 30, 2013
	State and Local Air Directors from EPA Region 4 states	October 31, 2013
	State Environmental Commissioners from EPA Region 4 states	November 4, 2013
	Meeting with Kentucky Energy and Environment Cabinet	November 18, 2013
	State Energy Offices from EPA Region 4 states	November 19, 2013
	Southeast Sustainability City Directors	December 6, 2013
	Southeast Energy Efficiency Alliance	December 18, 2013
	Meeting with Kentucky Governor and Secretary for Energy and Environment	February 22, 2014
Mississippi	EPA Region 4 public listening session	October 23, 2013
	Power Experts Conference Atlanta, GA	October 29, 2013
	Power Plant Management and Generation Summit	October 30, 2013

	Atlanta, GA	
	State and Local Air Directors from the Southeast	October 31, 2013
	State Environmental Commissioners from the Southeast	November 4, 2013
	State Energy Offices from the Southeast	November 19, 2013
	Southeast Sustainability City Directors	December 6, 2013
	Southeast Energy Efficiency Alliance	December 18, 2013
	Meeting with Mississippi Utilities	November 22, 2013
North Dakota	Meeting with State Air Directors from EPA Region 8	September 10, 2013
	State Environmental Directors and Agriculture Commissioners from EPA Region 8	September 26, 2013
	EPA Region 8 public listening session	October 30, 2013
	Conference call with Environmental Directors from EPA Region 8 states	November 4, 2013
	Conference call with State Energy Offices and PSCs from EPA Region 8 states	November 5, 2013
	Conference call with Tribal Environmental Directors	November 13, 2013
	Electric utilities that service EPA Region 8 states	December 17, 2013
	North Dakota Public Service Commission Symposium on EPA Carbon Regulation	January 22, 2014
Oklahoma	Meeting of the CENSARA Air Directors in Kansas City (EPA Regions 6, 7, and Headquarters staff attended)	October 23, 2013
	EPA Region 6 public listening session	November 7, 2013
	Conference call with Oklahoma DEQ, Oklahoma Corporation Commission, Oklahoma Secretary of Energy and Environment, and investor-owned utilities	November 14, 2013
	Meeting with Oklahoma Secretary of Energy and Environment, the public, and environmental groups in Oklahoma	November 15, 2013
	Meeting with Southwest Power Pool (services Oklahoma)	January 31, 2014
Utah	Meeting with EPA Region 8 Air Directors	September 10, 2013
	State Environmental Directors and Agriculture Commissioners in EPA	September 26, 2013

	Region 8	
	EPA Region 8 Public listening session	October 30, 2013
	Conference call with EPA Region 8 State Environmental Directors	November 4, 2013
	Conference call with State Energy Offices and Public Service Commission	November 5, 2013
	Conference call with Tribal Environmental Directors	November 13, 2013
	Electric utilities that service EPA Region 8 states	December 17, 2013
	Northwest Supply & Demand Challenges for Carbon Reductions	January 30, 2014
	Meeting with Utah Governor	February 22, 2014
Wisconsin	EPA Region 5 public listening sessions	November 8, 2013
	Video conference call w/Environmental Commissioners, Public Utility Commissioners and State Energy Offices	November 22, 2013
	Listening sessions with Midwest electric generating units	December 13, 2013
Wyoming	Meeting with EPA Region 8 Air Directors	September 10, 2013
	State Environmental Directors and Agriculture Commissioners	September 26, 2013
	EPA Region 8 public listening session	October 30, 2013
	Conference call with State Environmental Directors from EPA Region 8 states	November 4, 2013
	Conference call with State Energy Offices and Public Service Commissions	November 5, 2013
	Conference call with Tribal Environmental Directors	November 13, 2013
	Electric utilities that service EPA Region 8	December 17, 2013
	Northwest Supply & Demand Challenges for Carbon Reductions	January 30, 2014
	Meeting with Wyoming Governor	February 22, 2014

KEVIN CRAMER
NORTH DAKOTA

WASHINGTON D.C. OFFICE:
1032 LONGWORTH BUILDING
WASHINGTON, DC 20515
202-225-2611

BISMARCK OFFICE:
220 EAST ROSSER AVENUE
SUITE 328
BISMARCK, NORTH DAKOTA 58501
701-224-0355



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

FARGO OFFICE:
3217 FIECHTNER DRIVE, SUITE D
FARGO, NORTH DAKOTA 58103
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MINOT OFFICE:
315 MAIN STREET SOUTH, SUITE 203
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701-839-0255

GRAND FORKS OFFICE:
CENTER FOR INNOVATION FOUNDATION BUILDING
4200 JAMES RAY DRIVE, OFFICE 600
GRAND FORKS, NORTH DAKOTA 58202
701-738-4880

June 10, 2014

Dear Administrator McCarthy,

When the current Administration controlled both chambers of Congress five years ago, both parties came together in the U.S. Senate to reject cap-and-trade. Now your agency is seeking to subvert Congress by forcing states to reduce carbon emissions. The draft rule published on Monday, June 2, 2014, entitled "Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" pushes the American energy consumer to the wayside in pursuit of questionable climate science.

Prior to serving North Dakota in the House of Representatives, I was a Public Service Commissioner for ten years, overseeing coal mining and electric utility operations in our state. The lignite coal industry in North Dakota, a state of approximately 700,000 citizens, contributes to the employment of more than 17,000, and has an annual economic impact in our state of more than three billion dollars while contributing to some of the lowest electric rates in the country year after year.

We use our lignite to generate electricity for more than two million citizens in the Upper Midwest, to generate synthetic natural gas for over 400,000 homes in the east, and to generate fertilizer for agriculture. We capture carbon for re-injection into old oil wells for further recovery. We truly embrace conservation by reutilizing coal ash to enhance a long list of products including concrete, paint, and lumber.

At the same time, we are one of very few states that meets all ambient air quality standards as prescribed by your agency for actual air pollutants and have returned thousands of surface coal mine acres back into other productive land uses. North Dakota is proof you do not have to compromise the environment for fossil fuel development.

Yet your proposed rules would only stifle the progress North Dakota and other states are making toward cleaner, safer, and more reliable energy production while harming the American ratepayer. The United States Chamber of Commerce estimates that regulations with similar goals will cost the American economy more than \$50 billion per year for the next 15 years. The questionable interpretation of the Clean Air Act used to promulgate these rules is also very concerning to me, and I suspect many states including North Dakota will be forced to consider costly litigation against this regulation.

For these and many other reasons, I respectfully ask you rescind the proposed rule and instead allow states, researchers, and industry to lead the way towards cleaner energy, just as they have successfully done in the past.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Cramer", with a stylized flourish at the end.

Kevin Cramer
Member of Congress

KEVIN CRAMER
NORTH DAKOTA

WASHINGTON D.C. OFFICE:
1032 LONGWORTH BUILDING
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GRAND FORKS, NORTH DAKOTA 58202
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July 1, 2014

Gina McCarthy
Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

In November and December of 2013, I sent you two emails indicating my concerns with the EPA's proposed volume obligations for the Renewable Fuel Standard (RFS). As you approach seven months past EPA's required finalization date I would like to remind you again of my concerns.

It is incredibly important government remain in close communication with the private sector. Both the private and public sectors benefit when all parties involved articulate their positions and concerns clearly and responsibly. However, when communication breaks down, trust is eroded, uncertainty ensues, and all parties suffer.

It is essential government agencies provide information to those they regulate in an efficient and time-effective manner. Our renewable fuel producers and petroleum producers face a number of complex variables when deciding how much to produce. Uncertainty regarding the actions of government agencies shouldn't be one of them.

Unfortunately, the EPA has exhibited a troubling pattern of procrastination throughout the Renewable Fuel Standard rulemaking process. As you know, federal statute requires the finalization of the Renewable Volume Obligation rule by November 30th of the preceding year. Last year, the EPA failed to finalize the RVO until eight months after the required date. This year has not been much better. The announcement of further postponing the 2014 RVO past the announced June 20th date is yet another example of dilatory rulemaking on the part of the EPA. Our producers deserve to know the details of rules in a reasonable amount of time before they're required to meet them, rather than after the year is half way over.

I urge you to promptly release your finalized Renewable Volume Obligation rule while recognizing the significant physical, financial, and human resources deployed to meet the RFS program.

Thank you for your attention to this message. Don't hesitate to call on me if I can be of assistance.

Sincerely,

A handwritten signature in black ink that reads "Kevin Cramer".

Kevin Cramer
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 30 2014

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter dated July 1, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the 2014 volume requirements under the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on her behalf.

On November 21, 2014, the EPA issued a notice announcing that it will be finalizing 2014 volume standards under the Renewable Fuel Standard program in 2015 prior to or in conjunction with action on the 2015 and 2016 standards rule. On November 29, 2013, the EPA published a notice of proposed rulemaking to establish the 2014 RFS standards. The proposal has generated significant comment and controversy, particularly about how volumes should be set in light of lower gasoline consumption than had been forecast at the time that the Energy Independence and Security Act was enacted, and whether and on what basis the statutory volumes should be waived. Most notably, commenters expressed concerns regarding the proposal's ability to ensure continued progress towards achieving the volumes of renewable fuel targeted by the statute. You raise some of these concerns in your letter.

The EPA has been evaluating these issues in light of the purposes of the statute. The Administration is committed to the goal of the statute to increase the use of renewable fuels, particularly cellulosic biofuels, which would reduce greenhouse gas emissions resulting from the consumption of transportation fuels and diversify the nation's fuel supply. We will keep your concerns in mind as we proceed with this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "J.G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

**THE WHITE HOUSE OFFICE
REFERRAL**

January 16, 2015

TO: ENVIRONMENTAL PROTECTION AGENCY

ACTION COMMENTS:

ACTION REQUESTED: DIRECT REPLY W/COPY

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1157668

MEDIA: LETTER

DOCUMENT DATE: December 19, 2014

TO: PRESIDENT OBAMA

FROM: THE HONORABLE ED WHITFIELD
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

SUBJECT: EXPRESSES CONCERN REGARDING THE PROPOSED RULE ANNOUNCED BY
EPA ON JUN 02 14 THAT WOULD CHANGE THE WAY THE WE GENERATE,
TRANSMIT AND CONSUME ELECTRICITY IN THE U.S.

COMMENTS:

**PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT,
UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.**

**RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT,
ROOM 562, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500**

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND
TRACKING WORKSHEET**



DATE RECEIVED: December 22, 2014

CASE ID: 1157668

NAME OF CORRESPONDENT: THE HONORABLE ED WHITFIELD

SUBJECT: EXPRESSES CONCERN REGARDING THE PROPOSED RULE ANNOUNCED BY EPA ON JUN 02 14 THAT WOULD CHANGE THE WAY THE WE GENERATE, TRANSMIT AND CONSUME ELECTRICITY IN THE U.S.

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION	
		CODE	DATE	TYPE RESPONSE	DATE COMPLETED
LEGISLATIVE AFFAIRS	KATIE FALLON	ORG	12/30/2014		

ACTION COMMENTS:

✓ EPA

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JAN 16 2015

ACTION COMMENTS:

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COMMENTS: 98 ADDL SIGNEES

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MEDIA TYPE: LETTER

USER CODE:

ACTION CODES	DISPOSITION		
A = APPROPRIATE ACTION B = RESEARCH AND REPORT BACK D = DRAFT RESPONSE I = INFO COPY/NO ACT NECESSARY R = DIRECT REPLY W/ COPY ORG = ORIGINATING OFFICE	TYPE RESPONSE	DISPOSITION CODES	COMPLETED DATE
	INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS	A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY	DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES

REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-456-2590

SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM 562, EEOB.

Congress of the United States
Washington, DC 20515

December 19, 2014

The Honorable Barack Obama
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Obama:

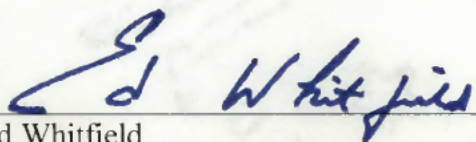
We write to express our concerns regarding the proposed rule announced by the Environmental Protection Agency on June 2, 2014 and entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units." This proposal is an unprecedented attempt by the EPA to change the way we generate, transmit and consume electricity in the United States by asserting new regulatory authorities over state electricity decision-making.

This unprecedented proposed rule would require states to submit individual or regional energy plans to be approved by EPA in order to achieve the agency's predetermined carbon dioxide emissions targets for each state. To comply with the rule, EPA directs states to consider including in their plans, and to make federally enforceable, a broad range of activities relating to a state's electricity sector. EPA specifically directs states to consider renewable energy standards, generation dispatch changes, co-firing or switching to natural gas, construction of new natural gas combined-cycle plants, transmission efficiency improvements, energy storage technology, plant retirements, expanding renewables like wind and solar, expanding nuclear, market-based trading programs, and demand-side energy efficiency and conservation programs. Under the rule, EPA would also have the ability to impose its own alternate federal energy plan on a state in the event EPA did not approve a state's plan. We agree that states should be free under their own laws to pursue these types of energy policies and activities within their own borders, but it is not the role of the EPA to exercise ultimate authority over a state's electricity system.

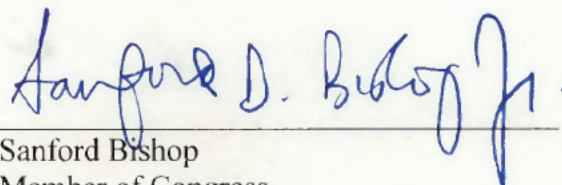
The continued affordability and reliability of our electricity supplies is critical to our nation's future economic growth, job creation, and to all American households and businesses. Due to market factors and existing environmental requirements, significant power plant shutdowns are already underway across the country, and these closures raise concerns about the continued reliability of the grid and electricity rates even in the absence of EPA's recently proposed rule. Under the proposed rule, EPA projects there would be additional power plant retirements and electricity rate increases. Were this to occur, these additional retirements and rate increases would further threaten electricity reliability and drive up energy costs for consumers, including the elderly, poor, and those on fixed incomes, at a time when over 50 million Americans are currently living in poverty.

Although the details of this proposed rule are still being considered by all stakeholders, the proposal threatens to impose huge burdens and challenges on states and higher costs on consumers. While our views on the statutory authority for carbon dioxide regulations vary, we are all concerned that this rule is simply unworkable as proposed and, if finalized, would effectively give EPA control over a state's generation, supply and consumption of power. Accordingly, we respectfully ask that you direct the EPA to withdraw its proposed rule as soon as practicable.

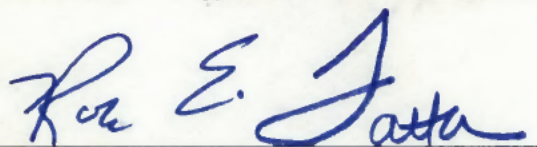
Sincerely,



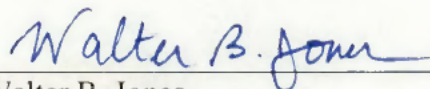
Ed Whitfield
Chairman, Energy and Power Subcommittee



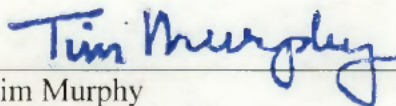
Sanford Bishop
Member of Congress



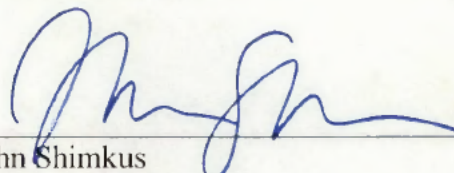
Robert E. Latta
Member of Congress



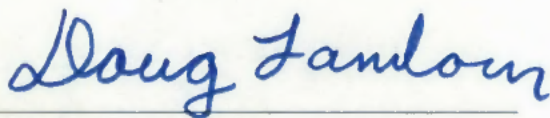
Walter B. Jones
Member of Congress



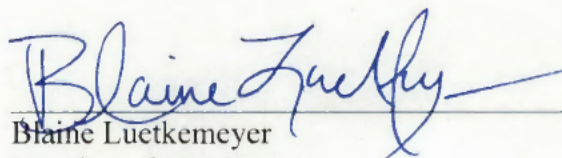
Tim Murphy
Member of Congress



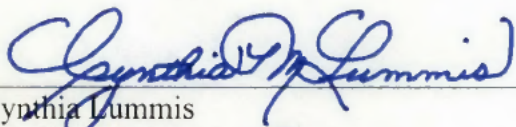
John Shimkus
Member of Congress



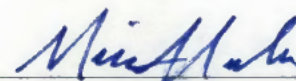
Doug Lamborn
Member of Congress



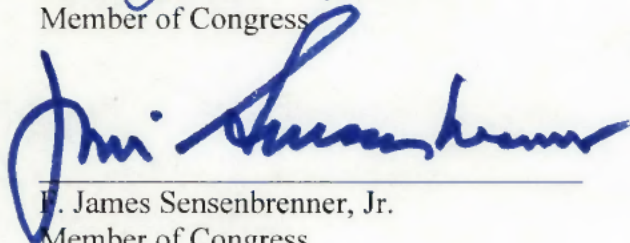
Blaine Luetkemeyer
Member of Congress



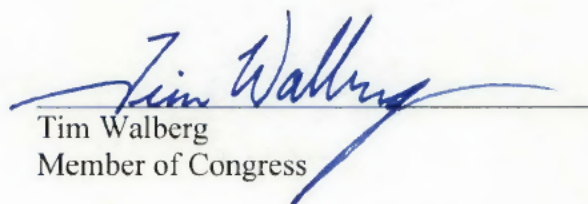
Cynthia Lummis
Member of Congress



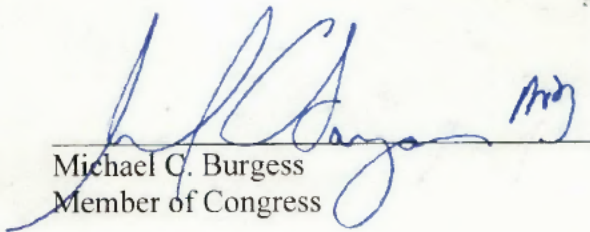
Mick Mulvaney
Member of Congress



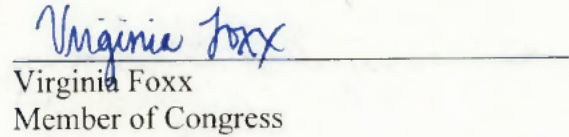
F. James Sensenbrenner, Jr.
Member of Congress



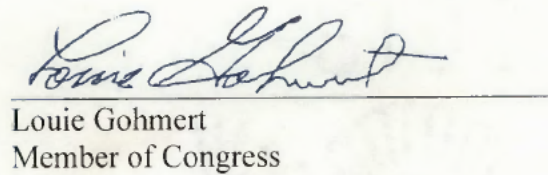
Tim Walberg
Member of Congress



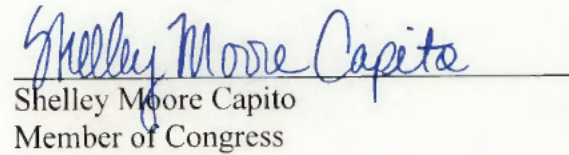
Michael C. Burgess
Member of Congress



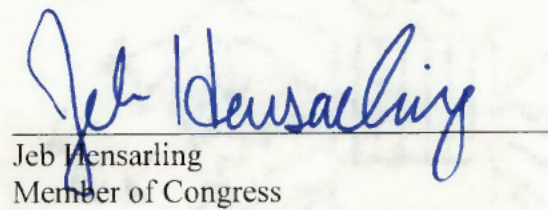
Virginia Foxx
Member of Congress



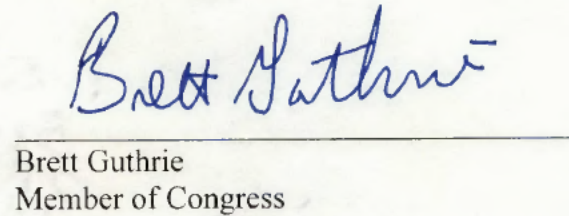
Louie Gohmert
Member of Congress



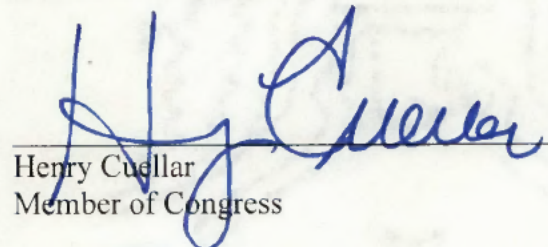
Shelley Moore Capito
Member of Congress



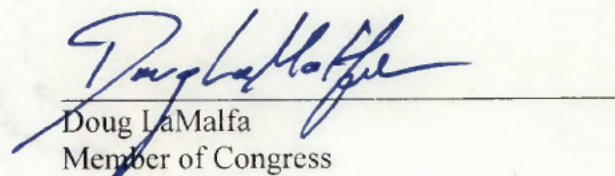
Jeb Hensarling
Member of Congress



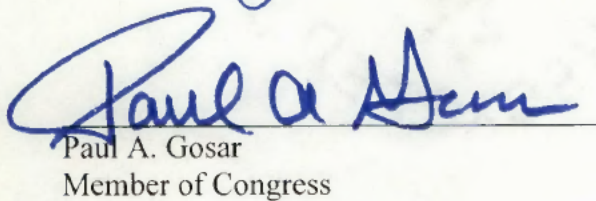
Brett Guthrie
Member of Congress



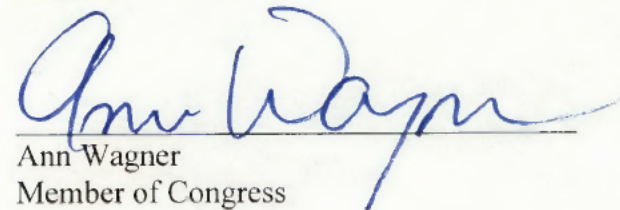
Henry Cuellar
Member of Congress



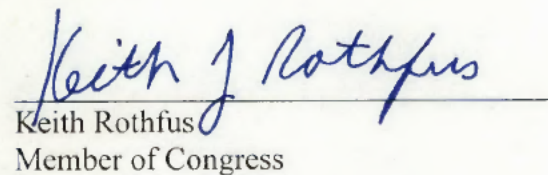
Doug LaMalfa
Member of Congress



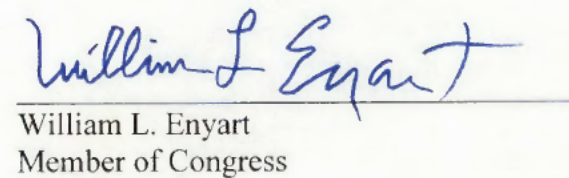
Paul A. Gosar
Member of Congress



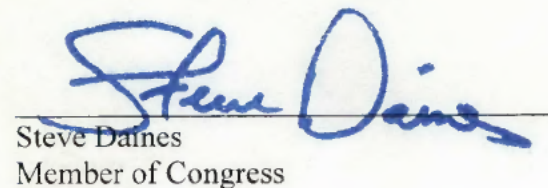
Ann Wagner
Member of Congress



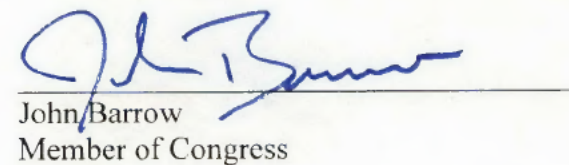
Keith Rothfus
Member of Congress



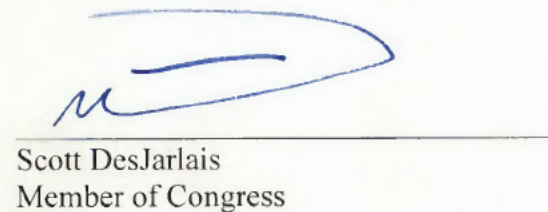
William L. Enyart
Member of Congress



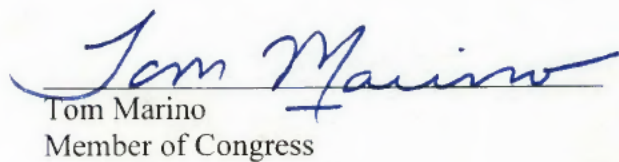
Steve Daines
Member of Congress



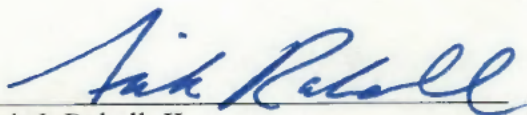
John Barrow
Member of Congress



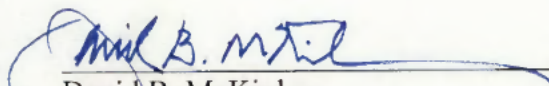
Scott DesJarlais
Member of Congress



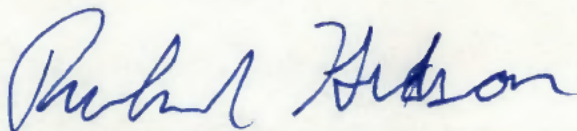
Tom Marino
Member of Congress



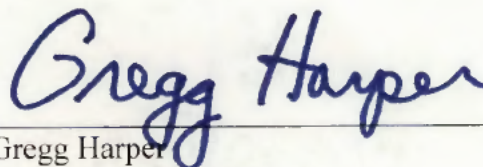
Nick J. Rahall, II
Member of Congress




David B. McKinley
Member of Congress



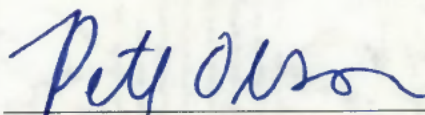
Richard Hudson
Member of Congress



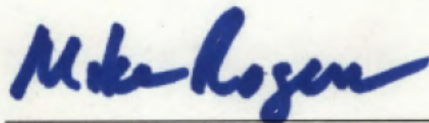
Gregg Harper
Member of Congress



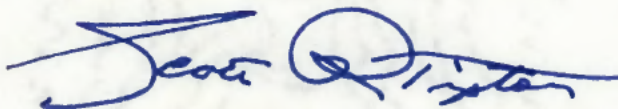
Thomas Massie
Member of Congress



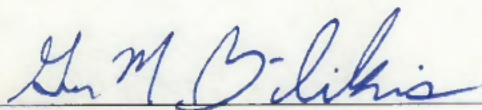
Pete Olson
Member of Congress



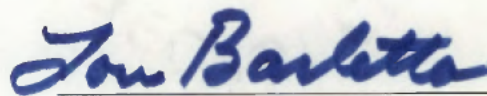
Mike Rogers
Member of Congress



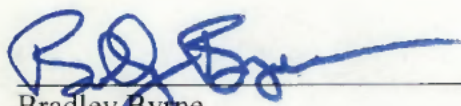
Scott Tipton
Member of Congress



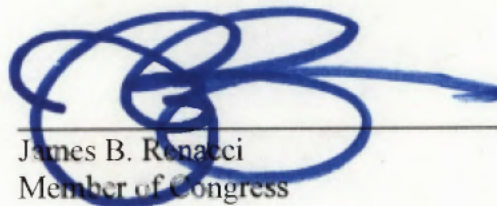
Gus M. Bilirakis
Member of Congress



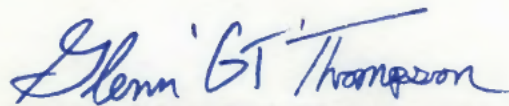
Lou Barletta
Member of Congress



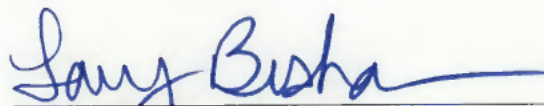
Bradley Byrne
Member of Congress



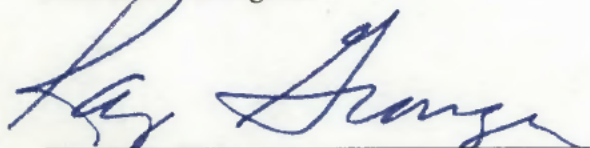
James B. Renacci
Member of Congress



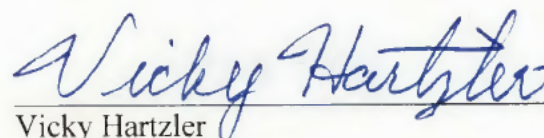
Glenn Thompson
Member of Congress



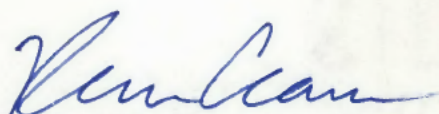
Larry Bucshon
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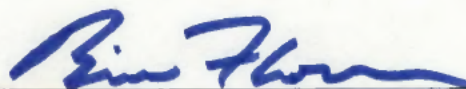
Kay Granger
Member of Congress



Vicky Hartzler
Member of Congress



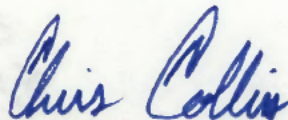
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Member of Congress



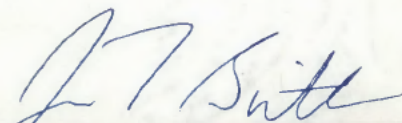
Bill Flores
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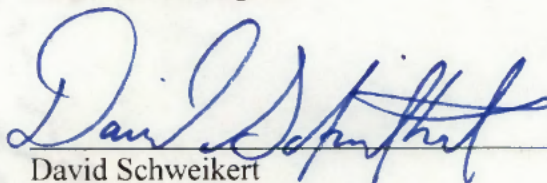
H. Morgan Griffith
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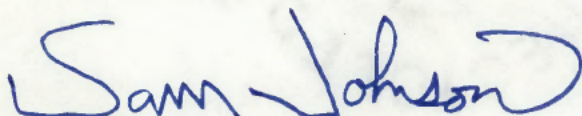
Chris Collins
Member of Congress



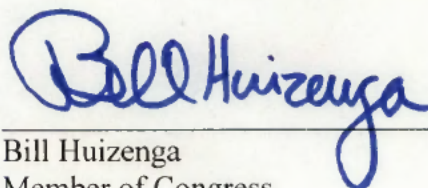
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Member of Congress



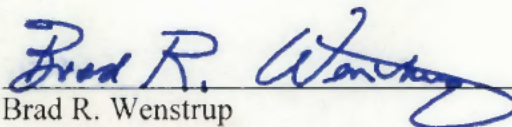
David Schweikert
Member of Congress



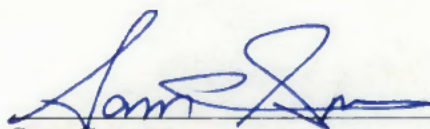
Sam Johnson
Member of Congress



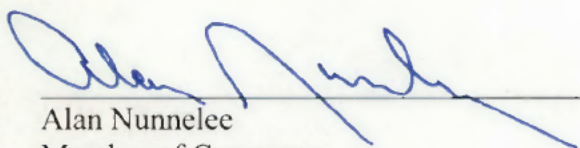
Bill Huizenga
Member of Congress



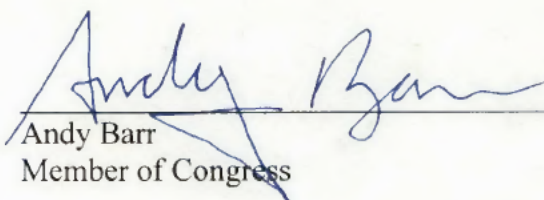
Brad R. Wenstrup
Member of Congress



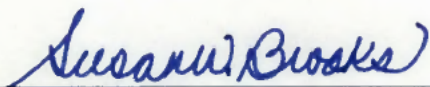
Sam Graves
Member of Congress



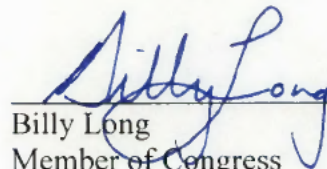
Alan Nunnelee
Member of Congress



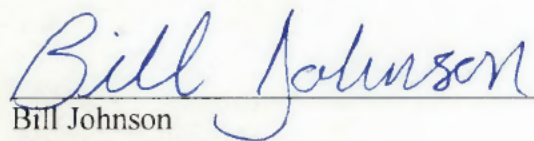
Andy Barr
Member of Congress



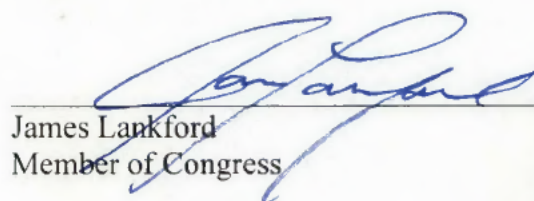
Susan W. Brooks
Member of Congress



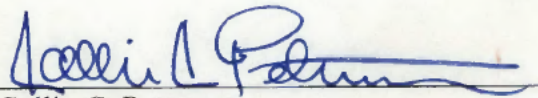
Billy Long
Member of Congress



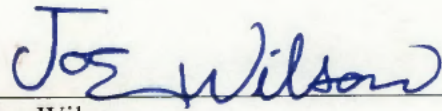
Bill Johnson
Member of Congress



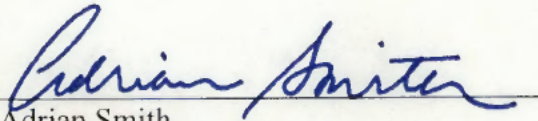
James Lankford
Member of Congress



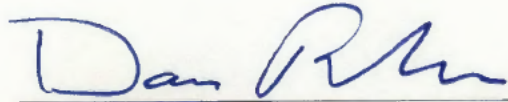
Collin C. Peterson
Member of Congress



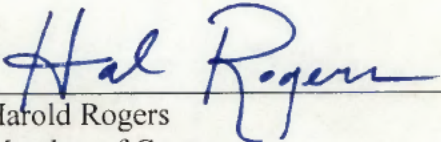
Joe Wilson
Member of Congress



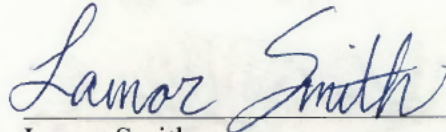
Adrian Smith
Member of Congress



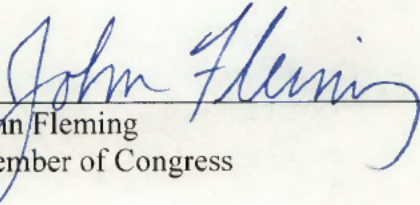
Dana Rohrabacher
Member of Congress



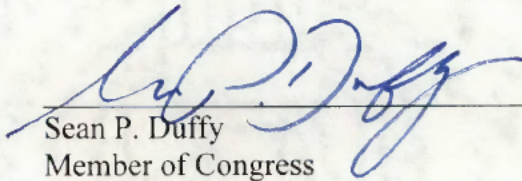
Harold Rogers
Member of Congress



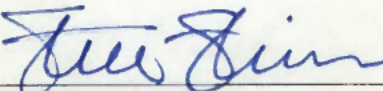
Lamar Smith
Member of Congress



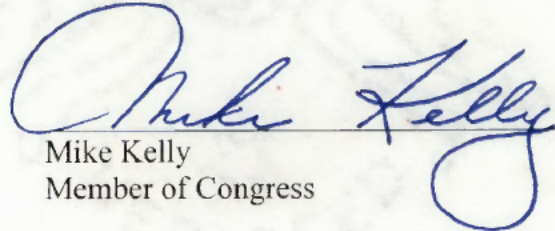
John Fleming
Member of Congress



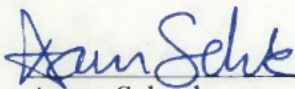
Sean P. Duffy
Member of Congress



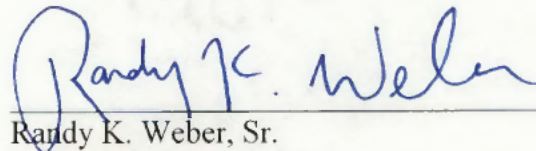
Steve Stivers
Member of Congress



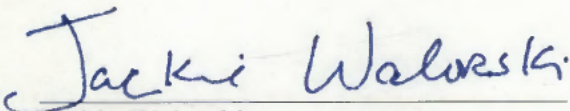
Mike Kelly
Member of Congress



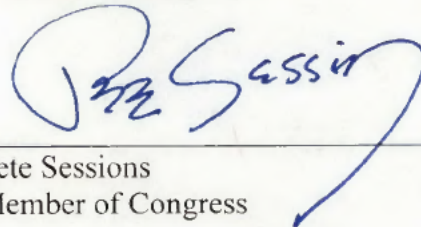
Aaron Schock
Member of Congress



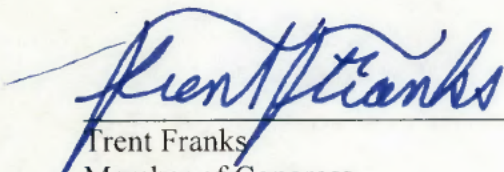
Randy K. Weber, Sr.
Member of Congress



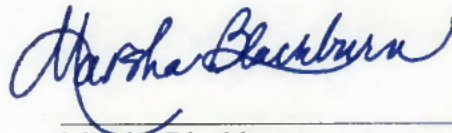
Jackie Walorski
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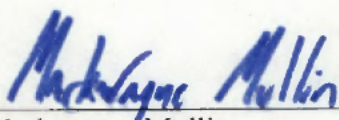
Pete Sessions
Member of Congress



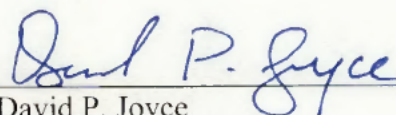
Trent Franks
Member of Congress



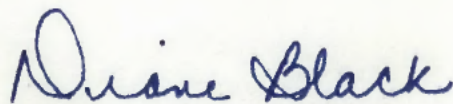
Marsha Blackburn
Member of Congress



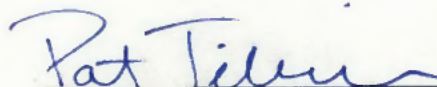
Markwayne Mullin
Member of Congress



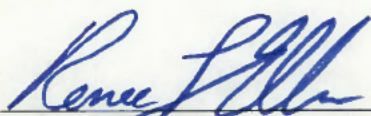
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Member of Congress



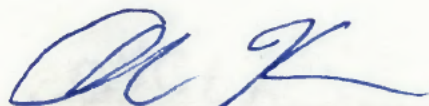
Diane Black
Member of Congress



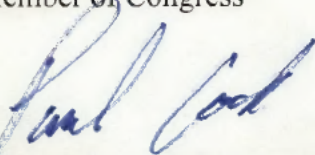
Patrick J. Tiberi
Member of Congress



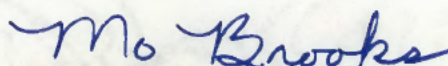
Renee Ellmers
Member of Congress



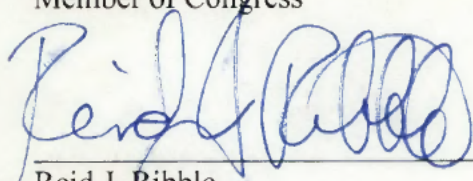
Adam Kinzinger
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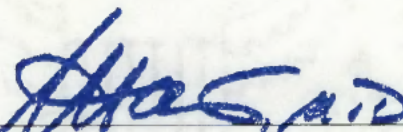
Paul Cook
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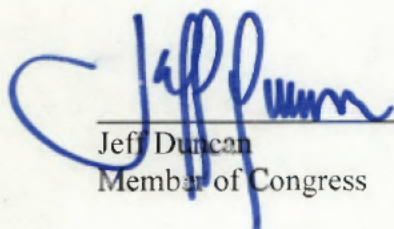
Mo Brooks
Member of Congress



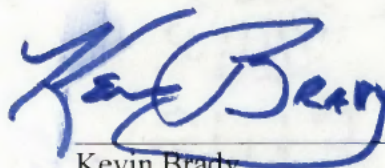
Reid J. Ribble
Member of Congress



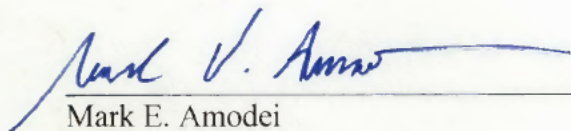
Andy Harris
Member of Congress



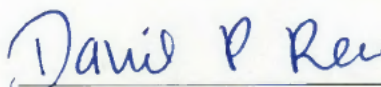
Jeff Duncan
Member of Congress



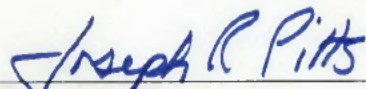
Kevin Brady
Member of Congress



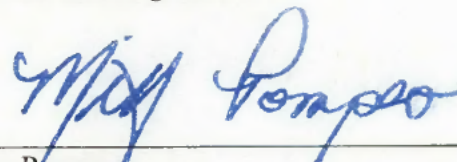
Mark E. Amodei
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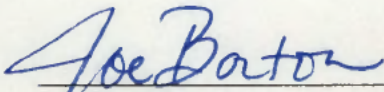
Phil Roe, M.D.
Member of Congress



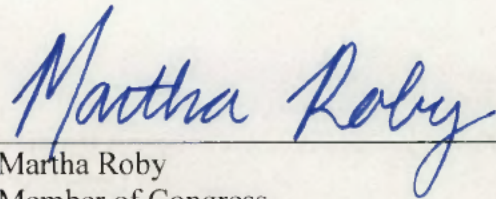
Joseph R. Pitts
Member of Congress



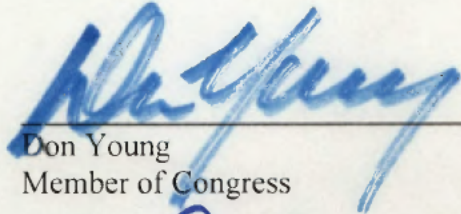
Mike Pompeo
Member of Congress



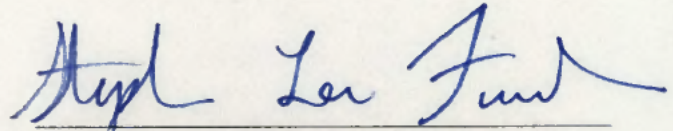
Joe Barton
Member of Congress



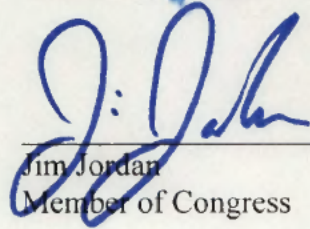
Martha Roby
Member of Congress



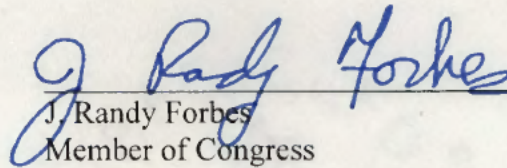
Don Young
Member of Congress



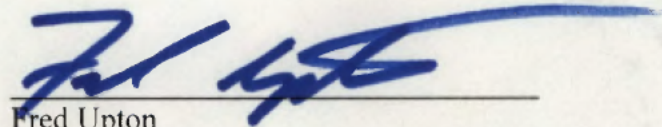
Stephen Lee Fincher
Member of Congress



Jim Jordan
Member of Congress



J. Randy Forbes
Member of Congress



Fred Upton
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 18 2015

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of December 19, 2014, to President Obama regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or at (202) 564-2023.

Sincerely,

A handwritten signature in blue ink, which appears to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

Senator John
HOEVEN

Senator Heidi
HEITKAMP

Congressman Kevin
CRAMER

Governor Jack
DALRYMPLE

April 21, 2015

The Honorable Gina McCarthy
Administrator, US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

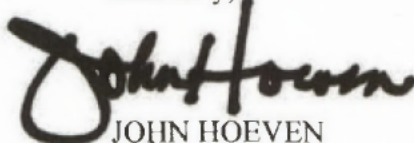
We have joined together to host the Great Plains and Empower ND Energy Conference on Tuesday, October 13, 2015 in Bismarck, ND. The event will gather some of the nation's leading experts to focus on innovation and growth opportunities in the U.S. energy industry. The conference will explore new technologies that are transforming the energy sector as well as pressing issues regarding regulatory policy, finance, and workforce.

The event will attract researchers, entrepreneurs, policy makers, and industry leaders from across the nation to Bismarck State College's National Energy Center of Excellence. **We are writing to invite you to be a keynote speaker at our event on October 13th.**

North Dakota is a national leader in the development of both traditional and renewable energy resources. In our state we have proven that through an all-of-the-above approach to developing our energy resources, we can reduce our dependence on foreign energy resources and do it with better environmental stewardship. We invite you to come to North Dakota to share your thoughts about our nation's path forward in energy development.

Thank you for your consideration. Please contact Kristen Hamman in Senator John Hoeven's office at (701) 250-4485 to discuss this event and your potential availability.

Sincerely,



JOHN HOEVEN
U.S. Senator



HEIDI HEITKAMP
U.S. Senator



KEVIN CRAMER
U.S. Congressman



JACK DALRYMPLE
Governor of North Dakota

Congress of the United States
Washington, DC 20515

March 29, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Pruitt:

Congratulations on your appointment as Administrator of the Environmental Protection Agency (EPA). We look forward to working with you on the many environmental challenges our country faces, and we stand prepared to help your efforts to address burdensome and overreaching regulations. One regulation we believe the agency should reconsider is the Oil Spill Prevention, Control and Countermeasure (SPCC) program's application to farms and ranches.

As you know, SPCC regulations require producers to undertake costly infrastructure improvements to on-farm oil storage containers in order to reduce the risk of spills. In addition to these containment requirements, larger oil storage tanks must be certified by a Professional Engineer (PE), adding a significant challenge to producers located in remote rural areas that have limited access to the services of PEs. The Obama Administration expanded the SPCC regulations to an unusual threshold of 1,320 gallons without any scientific basis or consideration of standard tank sizes used in agriculture. In fact, the EPA was unable to provide any evidence of spills on agricultural operations throughout the rulemaking process¹. Congress responded to EPA's overreach by including provisions in the two most recent water infrastructure bills that made incremental improvements to the exemption thresholds and required EPA to go back to the drawing board and determine the appropriate exemption level (33 U.S.C. § 1361 note). EPA's response to Congress's directives was inadequate because again, it failed to assess the risk of spills on agricultural facilities. The agency's response only added more confusion to an already complicated regulatory regime.

We believe the EPA should indefinitely suspend enforcement of SPCC regulations on agricultural operations until Congress passes a permanent legislative solution that considers the relative spill risk and financial resources of individual producers. Over the last several Congresses, the House of Representatives passed the Farmers Undertake Environmental Land Stewardship (FUELS) Act and similar legislation on several occasions. This legislation modifies SPCC rules to provide a realistic exemption framework by increasing the exemption threshold to 10,000 gallons for any single on-farm oil storage container. It increases the aggregate threshold and allows most farmers to self-certify compliance instead of requiring the services of a PE. We believe that a legislative solution like the FUELS Act is needed to provide long-term regulatory certainty to producers. However, in the interim, we think the agriculture industry deserves clarity, flexibility, and fairness from the EPA.

¹ Environmental Protection Agency; Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities, 74 Fed. Reg. 117,29136 (June 19, 2009) (codified at 40 C.F.R. Pt. 112).

We respectfully request that you use any tool available to provide regulatory relief to farmers and ranchers who are overly burdened by the costs and difficulties associated with SPCC compliance. We appreciate your attention to this important matter.

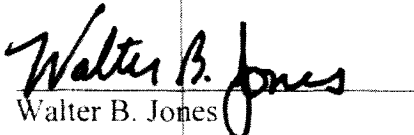
Sincerely,



Rick Crawford
MEMBER OF CONGRESS



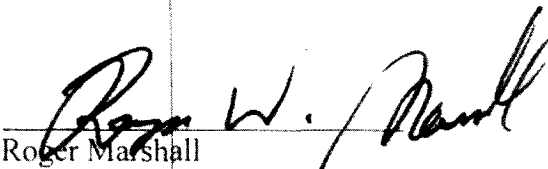
Ralph Abraham, MD
MEMBER OF CONGRESS



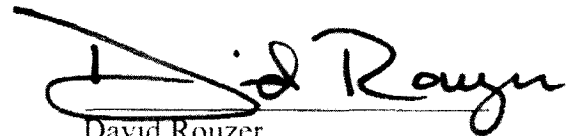
Walter B. Jones
MEMBER OF CONGRESS



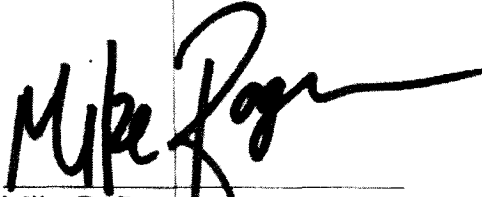
Kevin Cramer
MEMBER OF CONGRESS



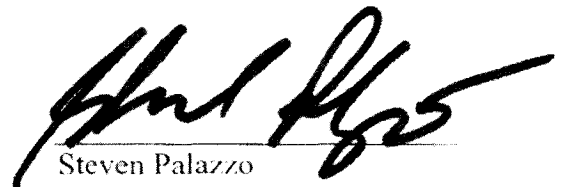
Roger Marshall
MEMBER OF CONGRESS



David Rouzer
MEMBER OF CONGRESS



Mike D. Rogers
MEMBER OF CONGRESS



Steven Palazzo
MEMBER OF CONGRESS



Frank D. Lucas
MEMBER OF CONGRESS



Will Hurd
MEMBER OF CONGRESS



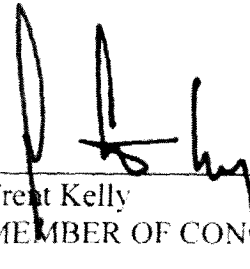
Steve Womack
MEMBER OF CONGRESS



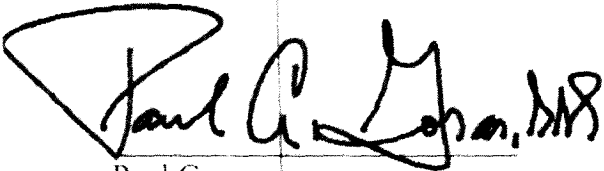
G.T. Thompson
MEMBER OF CONGRESS



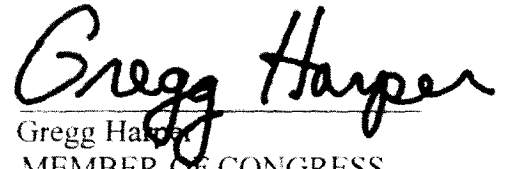
Bob Gibbs
MEMBER OF CONGRESS



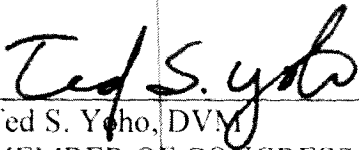
Trent Kelly
MEMBER OF CONGRESS



Paul Gosar
MEMBER OF CONGRESS



Gregg Harper
MEMBER OF CONGRESS



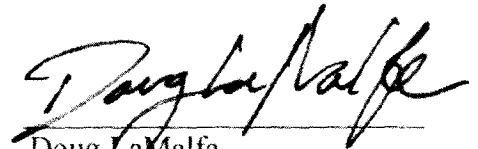
Ted S. Yoho, DVM
MEMBER OF CONGRESS



Bill Johnson
MEMBER OF CONGRESS



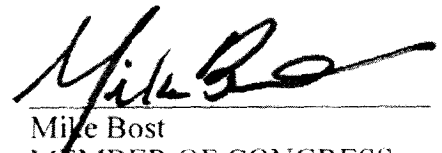
Richard Hudson
MEMBER OF CONGRESS



Doug LaMalfa
MEMBER OF CONGRESS



Bradley Byrne
MEMBER OF CONGRESS



Mike Bost
MEMBER OF CONGRESS



Lynn Jenkins
MEMBER OF CONGRESS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 26 2017

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of March 29, 2017, regarding the Environmental Protection Agency's (EPA) Oil Spill Prevention, Control, and Countermeasure (SPCC) rule and its application to farms and ranches. As mandated by Section 311 of the Federal Water Pollution Control Act, the EPA is responsible for issuing regulations to require spill prevention plans to prevent discharges of oil into navigable waters or adjoining shorelines. Since 1974, all facilities with greater than 1,320 gallons of aggregate aboveground oil storage capacity have been required to have SPCC plans.

As you observed, over the years, the EPA has adjusted the rule's requirements for smaller capacity facilities, which includes many farms, to address those facilities' concerns and increase SPCC compliance. For example, in 2006, the EPA developed a plan self-certification option for all facilities subject to the SPCC that store 10,000 gallons or less of aggregate aboveground oil storage capacity and with no reportable oil discharge history. In 2008, the agency provided small capacity facilities with a self-certification option that allows facilities with simple oil configurations to use a streamlined SPCC plan template. Facilities able to utilize that simplified certification process are those that have an aggregate aboveground oil storage capacity of 10,000 gallons or less, no tank larger than 5,000 gallons, and no reportable oil discharge history. At that time, the EPA estimated that 95 percent of all affected SPCC farms would be eligible to self-certify their plans. Additionally, these regulatory actions also streamlined the requirements by modifying definitions and by creating several exemptions and exclusions that may directly benefit farms and ranchers.

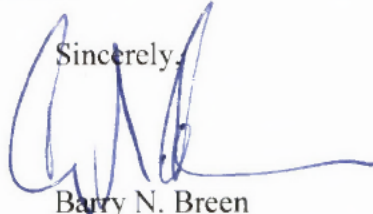
In addition to rule adjustment, it can also be important to assist where compliance is required. The EPA has a dedicated website, titled *SPCC and Agriculture*, to assist the agriculture sector with SPCC rule compliance which features materials and plan templates to help farms and ranches. In addition, there is an SPCC contact in each EPA Region who is available to provide technical assistance on SPCC to the agriculture sector. The EPA provides a publicly accessible service, the Oil Information Center, that provides information on the SPCC program through a toll free phone number. The EPA also staffs the EPA National Agriculture Center, which provides compliance assistance for the agricultural sector on EPA's regulatory programs (see <https://www.epa.gov/agriculture>).

Recently, Congress acted in the Water Resources Reform and Development Act (WRRDA) in 2014 and the Water Infrastructure Improvements for the Nation (WIIN) Act in 2016 to reduce the regulatory

burden of the SPCC rule for farms. We will reflect these and other available tools as we address the concerns outlined in your letter related to farmers and ranchers. We look forward to working with Congress to improve the SPCC program and ensure that our Nation's waters are adequately protected from oil discharges.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Breen', with a long horizontal flourish extending to the right.

Barry N. Breen
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

October 12, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt,


We write to express our concerns regarding the joint Environmental Protection Agency (EPA)-National Highway Safety Traffic Administration's (NHSTA) October 25th 2016 rulemaking entitled, *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2*. We understand that the agency is currently in the process of reconsidering the provision that mandates regulatory requirements for heavy duty truck trailers. It is vital to the truck trailer manufacturing industry for the EPA to expeditiously reconsider this decision or issue an administrative stay of action until such time that the agency can properly review the decision.


It is our belief that the EPA, under the previous administration, extended its legislative authority under the Clean Air Act by qualifying a trailer as a "motor vehicle." Under 42 USC 7550(b), "motor vehicle" is defined as "any self-propelled vehicle designed for transporting persons or property on a street or highway." As we understand it, trailers are incapable of self-propulsion and do not emit. Therefore, we do not believe that trailers, as non-self-propelled and non-emitting items of equipment, meet the standard set forth in the Clean Air Act.

This rulemaking decision imposes a costly and unnecessary compliance burden for these companies on the basis that they are manufacturers of "motor vehicles," which they are not. Most of these trailer manufacturers are small businesses, with limited resources and very modest profit margins, and are accepting orders now for trailers that will be manufactured next year. With the mandate for trailers to adhere to the ruling's requirement for all trailers manufactured starting January 1st, 2018, we feel that the reconsideration requires immediate attention.

Thank you for your consideration, and we look forward to your response.

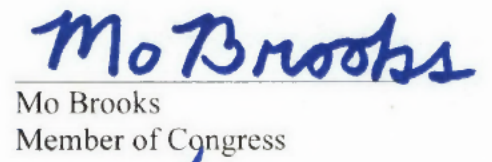
Sincerely,


Robert B. Aderholt
Member of Congress

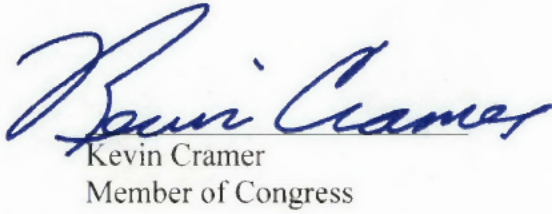

Rob Bishop
Member of Congress



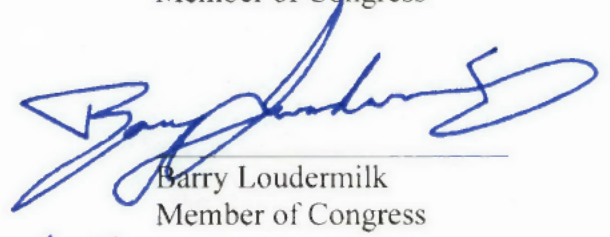
Jeff Fortenberry
Member of Congress



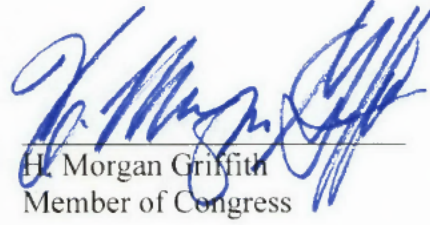
Mo Brooks
Member of Congress



Kevin Cramer
Member of Congress



Barry Loudermilk
Member of Congress



H. Morgan Griffith
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 1, 2017

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of October 12, 2017, to the U.S. Environmental Protection Agency expressing concerns with the trailer provisions in the joint EPA-National Highway Traffic Safety Administration's (NHTSA) 2016 rulemaking, Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles-Phase 2 ("Phase 2 Final Rule").

In an April 3, 2017 letter to the EPA, the Truck Trailer Manufacturers Association (TTMA) asked EPA to reconsider and issue an administrative stay of the greenhouse gas emission standards for heavy-duty truck trailers in the Phase 2 Final Rule. In a subsequent June 26, 2017 letter, TTMA submitted a supplemental petition for reconsideration and stay on behalf of TTMA. In these letters, TTMA questioned the EPA's authority to regulate truck trailers, as well as EPA's analysis of the costs and benefits of the standards. In response, and in recognition of the concerns TTMA raised (and that you similarly raise in your letter), Administrator Pruitt responded to TTMA in an August 17, 2017 letter. In that letter, the Administrator stated his intention to revisit the trailer provisions of the Phase 2 Final Rule, including the issue of EPA's authority to regulate trailers. The industry's petitions for reconsideration and the Administrator's response are available on EPA's website. EPA is currently in the process of considering these issues and specific next steps, and appreciate your input on this important matter.

Your letter raises the Phase 2 Final Rule's compliance deadline of January 1, 2018, which was to apply to certain truck trailer manufacturers. In litigation on this matter, however, the Court of Appeals for the D.C. Circuit recently granted TTMA's request for a judicial stay of EPA's trailer requirements, which include the January 1, 2018 compliance deadline.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

A handwritten signature in blue ink, which appears to read "W. L. Wehrum", is written over a horizontal line.

William L. Wehrum
Assistant Administrator

Congress of the United States
Washington, DC 20515

February 17, 2017

The Honorable Donald J. Trump
President of the United States
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President,

We write to express our continued and serious concerns regarding the Obama Administration's Clean Power Plan (CPP), Waters of the U.S. (WOTUS), and Ozone Standard of 70 parts per billion (ppb) Rules.

On August 3, 2015 the Environmental Protection Agency (EPA) finalized its Clean Power Plan rule. The original intent of the Clean Air Act was for individual states to regulate their own electricity systems. This new regulation is tantamount to a federal government power grab that would impose onerous carbon emissions standards at and outside the fence line of existing power plants. The CPP would require approximately a 30% reduction in carbon dioxide emissions by the year 2030; a goal that will have a negligible impact on global temperatures. These costs will ultimately be borne by consumers, many of whom could see double-digit percentage increases in their monthly electric bill.

Additionally, on August 28, 2015 the EPA published its final rule revising the definition of navigable waters and asserting jurisdiction over nearly all areas with water features, including man-made drainage ditches and small streams. The intent of WOTUS was to clarify what waters are controlled by federal regulations; however the EPA has only made it harder for businesses to comply with the law which will negatively impact job growth in farming, building trades, and beyond.

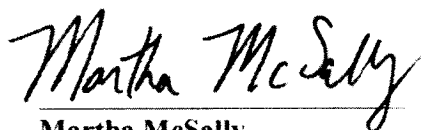
Furthermore, on October 1, 2015 the EPA established a new National Ambient Air Quality Standard for ground-level ozone that was set at 70ppb. This regulation does not adequately account for background ozone, which is naturally occurring ozone or ozone originating outside of the control of a specific state. These new standards represent a threshold that is simply too high for many jurisdictions across the country and will damage the economy by requiring even further reductions in emissions.

During the promulgation and finalization of these rules, many of our constituents have expressed their concerns to us how their livelihood in our states will be negatively impacted.

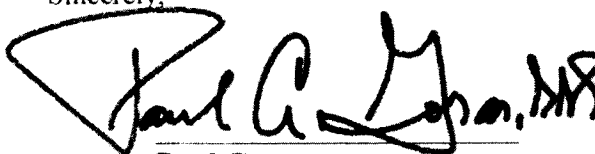
Unfortunately, the 60 day period for the Congressional Review Act (CRA) has expired and Congress will not be able to make use of the CRA to stop or revise these rules. As such, we urge you to use any and all tools to limit the harm of these costly and burdensome rules.

We appreciate your consideration of this important matter and look forward to your response.


Sincerely,



Martha McSally
Member of Congress



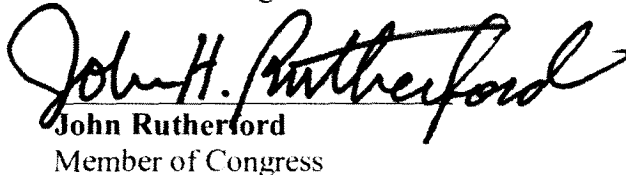
Paul Gosar
Member of Congress


Ann Wagner

Member of Congress


Bruce Westerman

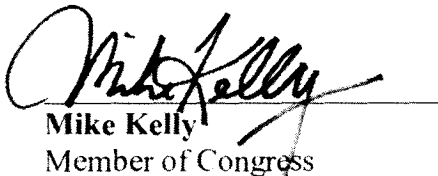
Member of Congress


John Rutherford

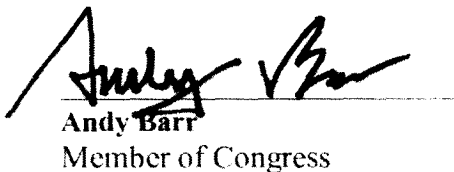
Member of Congress


Lou Barletta

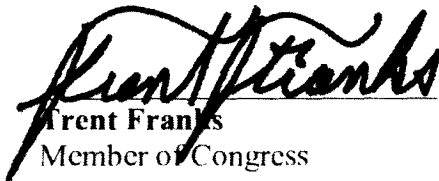
Member of Congress


Mike Kelly

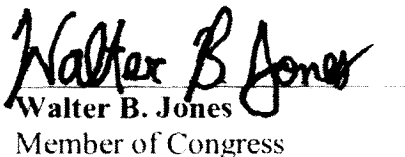
Member of Congress


Andy Barr

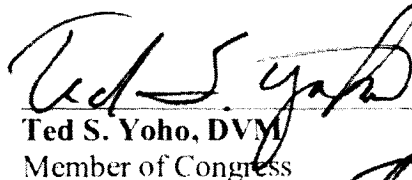
Member of Congress


Trent Franks

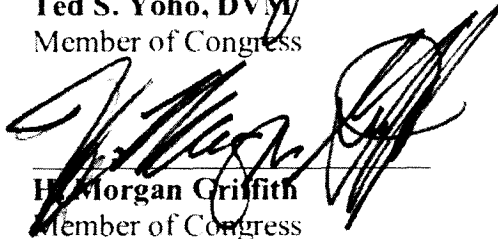
Member of Congress


Walter B. Jones

Member of Congress


Ted S. Yoho, DVM

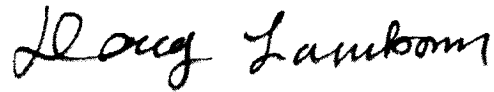
Member of Congress


H. Morgan Griffith

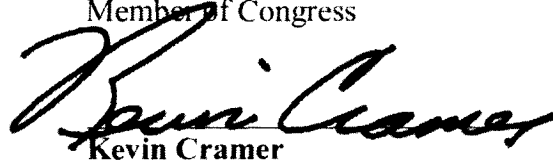
Member of Congress


Bob Gibbs

Member of Congress


Doug Lamborn

Member of Congress


Kevin Cramer

Member of Congress


Mac Thornberry

Member of Congress


Mimi Walters

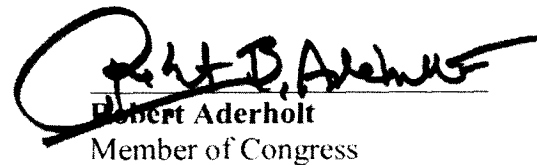
Member of Congress


Steve Chabot

Member of Congress


Vicky Hartzler

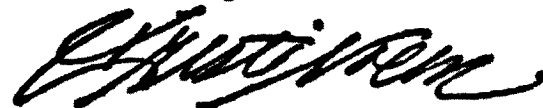
Member of Congress


Robert Aderholt

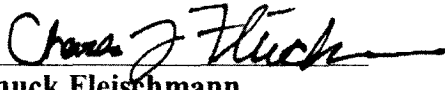
Member of Congress


David G. Valadao

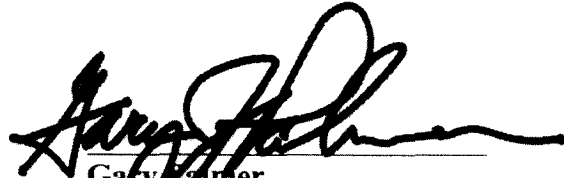
Member of Congress


Kristi Noem

Member of Congress



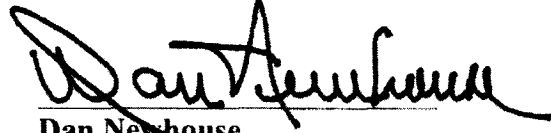
Chuck Fleischmann
Member of Congress



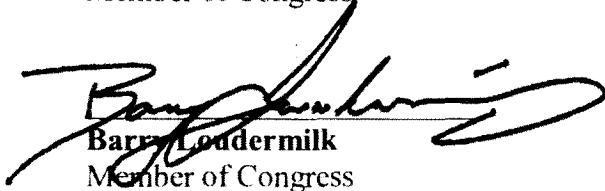
Gary Palmer
Member of Congress



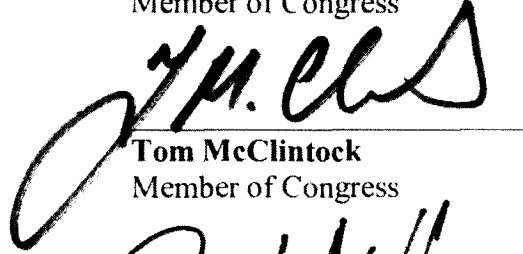
Scott Tipton
Member of Congress



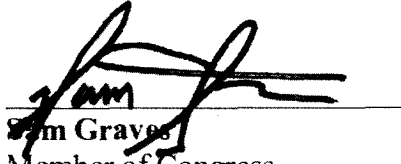
Dan Newhouse
Member of Congress



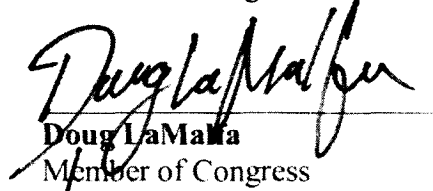
Barry Loudermilk
Member of Congress



Tom McClintock
Member of Congress



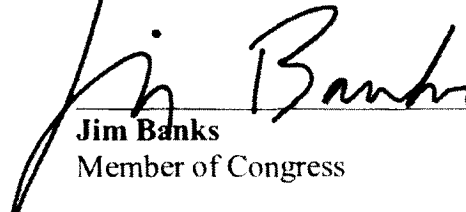
Sam Graves
Member of Congress



Doug LaMalfa
Member of Congress



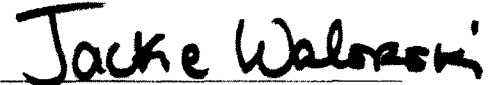
Mike Bost
Member of Congress



Jim Banks
Member of Congress



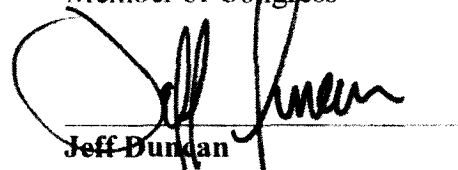
Glenn Grothman
Member of Congress



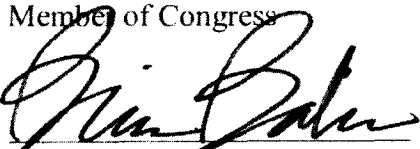
Jackie Walorski
Member of Congress



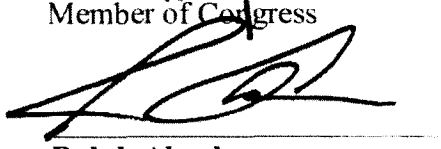
Jason Lewis
Member of Congress



Jeff Duncan
Member of Congress



Brian Babin
Member of Congress



Ralph Abraham
Member of Congress

Dear Sir

I have the honor

to acknowledge the receipt

of your letter of the 10th

inst. in relation to

the same.

I am sorry to hear

that you are

unable to

attend the

meeting.

I am, Sir, very

truly

Yours, Sir,

Very

Respectfully

Yours,

Wm. H. H.

Wm. H. H.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
CONGRESSIONAL AND
INTERGOVERNMENTAL
RELATIONS

February 15, 2018

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of February 17, 2017, to President Trump on the Clean Power Plan, Waters of the United States (WOTUS, or Clean Water Rule), and ozone National Ambient Air Quality Standards (NAAQS). I have been asked to respond on behalf of the Administration.

The information in the enclosure to this letter, prepared by the EPA's Office of Water and Office of Air and Radiation, provides details about the issues addressed in your letter. We hope this information is helpful.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum for the Clean Water Act issues at borum.denis@epa.gov or (202) 564-4836, or Matthew Davis for the Clean Air Act issues at davis.matthew@epa.gov or (202) 564-1267 both in the EPA's Office of Congressional and Intergovernmental Relations.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Troy Lyons", is written over the typed name and title.

Troy Lyons
Associate Administrator

Enclosure

ENCLOSURE FOR EPA'S RESPONSE TO FEBRUARY 17, 2017 LETTER

CLEAN AIR ACT

Clean Power Plan

On March 28, 2017, President Trump signed the Energy Independence Executive Order, which directs agencies responsible for regulating domestic energy production to submit plans to the White House. These plans will identify and propose measures to revise or rescind regulatory barriers that impede progress towards energy independence. Moreover, the Order rescinds several Obama executive orders and policies related to climate change. It also directs the Administrator of the U.S. Environmental Protection Agency (EPA) and the Secretary of the Interior to review, and if necessary, revise or rescind, several regulations that may place unnecessary, costly burdens on coal-fired electric utilities, coal miners, and oil and gas producers.

The Clean Power Plan repeal proposal was published on October 16, 2017. EPA held a public hearing for this proposed action on November 28 and 29, 2017, in Charleston, West Virginia. Recently EPA announced three listening sessions to provide additional opportunities to hear from the public. The sessions will be in Kansas City, Missouri on February 21, San Francisco on February 28, and Gillette, Wyoming on March 27. EPA also is re-opening the public comment period; comments now will be accepted through April 26, 2018. As we develop the final rule, we will review all comments received, including testimony from the public hearing and the upcoming listening sessions. Written statements and supporting information submitted during the public comment period will be considered with the same weight as any oral comments and supporting information presented at the listening sessions. For the latest information about the proposed repeal, including additional information on the listening sessions, please visit: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>.

National Ambient Air Quality Standards

Regarding the National Ambient Air Quality Standards for ozone, on November 6, 2017, consistent with states' recommendations, the EPA designated as Attainment/Unclassifiable nearly 90 percent of the country. In addition, on December 21, 2017, the EPA issued 120 day letters notifying certain states and tribes of intended designations for affected areas encompassing the rest of the country. The EPA will continue to work with states and tribes to finalize area designations, as well as to assist areas with underlying technical issues, disputed designations, and/or insufficient information. More information about ozone designations can be found at: <https://www.epa.gov/ozone-designations/ozone-designations-regulatory-actions>.

CLEAN WATER ACT

Clean Water Rule

The EPA and the Army published a Federal Register notice on March 6, 2017, announcing the agencies' intention to review and rescind or revise the 2015 Clean Water Rule consistent with Justice Scalia's opinion in the Supreme Court case *Rapanos v. U.S.* The agencies are proceeding with a two-step approach. On June 27, 2017, the EPA and the Army proposed a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action, when finalized, would provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of WOTUS. The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice. Both steps will follow the requirements under the Administrative Procedure Act for public notice-and-comment on each rulemaking.

Also, on January 31, 2018, the EPA and the Army finalized a rule adding an applicability date to the 2015 Rule. This action is separate from the two-step process outlined above. The new applicability date will be two years after the January 31st rule is published in the Federal Register. The 2015 Rule, which redefined the scope of where the Clean Water Act applies, had an effective date of August 28, 2015. The U.S. Court of Appeals for the Sixth Circuit's nationwide stay halted implementation of the 2015 Rule. But on January 22, 2018, the Supreme Court determined that the U.S. Courts of Appeals do not have original jurisdiction to review these challenges and, therefore, the Sixth Circuit lacked authority to issue a stay. Given uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community about which definition of "waters of the United States" is applicable nationwide during the ongoing regulatory process.

KEVIN CRAMER
NORTH DAKOTA

WASHINGTON D.C. OFFICE:
1032 LONGWORTH BUILDING
WASHINGTON, DC 20515
202-225-2611

BISMARCK OFFICE:
220 EAST ROSSER AVENUE
ROOM 328
BISMARCK, NORTH DAKOTA 58501
701-224-0355



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515
October 18, 2013

FARGO OFFICE:
3217 FIECHTNER DRIVE SOUTH, SUITE D
FARGO, NORTH DAKOTA 58103
701-356-2216

MINOT OFFICE:
315 MAIN STREET SOUTH, SUITE 203
MINOT, NORTH DAKOTA 58701
701-839-0255

GRAND FORKS OFFICE:
CENTER FOR INNOVATION FOUNDATION BUILDING
4200 JAMES RAY DRIVE, OFFICE 600
GRAND FORKS, NORTH DAKOTA 58202
701-738-4880

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy,

The people of North Dakota breathe some of the cleanest air in the world and enjoy the lowest prices of electricity in the United States. As their Congressman, I am greatly concerned by your agency's plan to impose drastic new carbon emissions standards on coal-fired power plants.

You should know this decision puts at risk 17,000 jobs, \$3.5 billion in economic impact, and \$100 million in tax revenue provided by the lignite coal industry in North Dakota. These figures are significant not only to North Dakota, but to the national interest.

Additionally, your planned EPA listening sessions bypass our state entirely in favor of cities like San Francisco, Boston, and Seattle. Excluding North Dakota and every other top ten coal state prevents our citizens from speaking out on new regulations which could destroy their economic welfare. Fewer places on earth have greater interest or expertise in the coal industry than our communities.

I request the EPA hold an additional listening session in Bismarck, North Dakota. Centrally located near six coal-fired power plants, the Bismarck-Mandan community is home to farmers, engineers, accountants, machinery operators, environmental scientists, rangeland biologists, and truck drivers who power our industry.

At the current burn rate, there is an 835 year supply of lignite coal under our prairies, with 120,000 of our acres under permit for mining. Yet we are one of very few states meeting all ambient air quality standards as prescribed by the EPA. Our mines take great pride and invest vast resources in protecting our environment. Coal miners and utility company employees not only enjoy high paying jobs, but they live here, they breathe the air, they drink the water, and they farm the land.

My staff will be ready to work with yours on a Bismarck hearing. I hope you will consider giving our citizens a chance to be heard.

Sincerely,

A handwritten signature in black ink that reads "Kevin Cramer".

Kevin Cramer
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

JAN 15 2014

The Honorable Kevin Cramer
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of October 18, 2013, to U.S. Environmental Protection Agency Administrator Gina McCarthy requesting that the EPA hold a listening session in North Dakota on reducing carbon pollution from existing power plants. The Administrator has asked that I respond on her behalf.

The EPA is working diligently to address carbon pollution from power plants. In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. His call included a directive for the EPA "to work expeditiously to complete carbon pollution standards for both new and existing power plants." Currently, there are no federal standards in place to reduce carbon pollution from the country's largest source. The President also directed the EPA to work with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public, on issues informing the design of carbon pollution standards for power plants.

As we consider guidelines for existing power plants, the EPA is engaged in vigorous and unprecedented outreach with the public, key stakeholders, and the states, including North Dakota. The eleven listening sessions the EPA held throughout the country were attended by thousands of people, representing many states and a broad range of stakeholders, including many from the coal industry. In addition, the EPA leadership and senior staff, in Washington, D.C. and in every one of our ten regional offices, have been meeting with industry leaders and CEOs from the coal, oil, and natural gas sectors; state, tribal, and local government officials from every region of the country; and environmental and public health groups, faith groups, labor groups, and others. Our meetings with state governments have encompassed leadership and staff from state environment departments, state energy departments and state public utility commissions. We are doing this because we want—and need—all available information about what is important to each state and stakeholder. We know that guidelines require flexibility and sensitivity to state and regional differences.

To this end, we welcome feedback and ideas from you as well as your constituents about how the EPA should develop and implement carbon pollution guidelines for existing power plants under the Clean Air Act. Interested stakeholders can send their thoughts through email at carbonpollutioninput@epa.gov. Stakeholders can also learn more about what we are doing at www.epa.gov/carbonpollutionstandard. I welcome you to provide a link to our website from yours, and to share any other information about the EPA's public engagement activities with the citizens of your state.

Please note that the public meetings we have been holding to date and other outreach efforts are happening well before we propose guidelines. When we issue the draft guidelines in June 2014, a more formal public comment period will follow, as with all rules, and more opportunities for public hearings and stakeholder outreach and engagement. I look forward to hearing what you think about the draft guidelines at that time, too.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095 or lewis.josh@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "J. G. McCabe", with a stylized flourish at the end.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

November 22, 2013

Administrator Gina McCarthy
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

We are writing to express concerns about the proposed Version 6 of the Energy Star program for Windows, Doors and Skylights.

The success of the Energy Star program has been built upon a framework of pairing energy savings with consumer value. We are concerned Version 6 may push energy efficient products beyond an affordable level for many consumers and fail to account for an achievable payback period for an average homeowner.

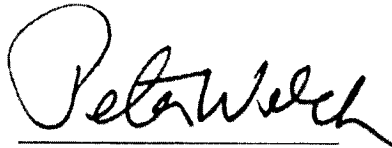
According to EPA, ENERGY STAR has a set of six key "guiding principles" in establishing or revising a product performance specification. While all the principles are important, in the Version 6 process the balance between energy savings and reasonable payback has been the most challenging to achieve. We believe that a "reasonable" payback period on customer investment must be ensured when the new standards are finalized, and we are concerned that EPA is not taking this issue seriously enough. We are also concerned about comments from EPA that a primary objective of the proposed revisions is to dramatically reduce the market share of Energy Star products.

EPA recently released a revised payback analysis, introducing a completely new analysis which made the proposed standards appear more affordable. However, in taking this approach, EPA is highlighting low-cost areas of the country where the paybacks are marginally lower and saddling other areas - including many Midwestern and Northern states - with products that do not provide a reasonable payback. In this way, the Agency is ignoring the real world implications of their new standards.

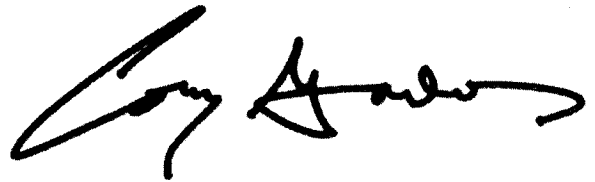
We are also concerned with the transparency of the process used to reach the proposed guidelines. The proposed standards for much of the nation do not appear to be supported by the public record. EPA has not been forthcoming with information regarding consumer affordability, payback periods, and stakeholder support for the standard. Although the Agency continues to insist that its proposals are reasonable for consumers, its own record confirms that stakeholders have expressed concern about the affordability of products under Version 6. EPA should demonstrate that consumers will see both significant energy savings and reasonable paybacks from their investment in Energy Star.

We urge the EPA to review the proposed Energy Star specifications for windows, doors, and skylights to bring them more in line with realistic consumer expectations and reflect the public record.

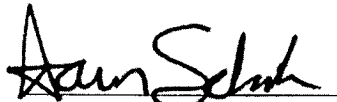
Sincerely,



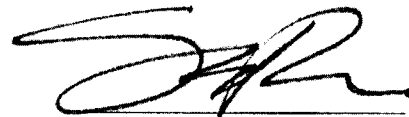
PETER WELCH
Member of Congress



CORY GARDNER
Member of Congress



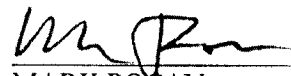
AARON SCHOCK
Member of Congress



SCOTT H. PETERS
Member of Congress



KURT SCHRADER
Member of Congress



MARK POCAN
Member of Congress



KEVIN CRAMER
Member of Congress



JEFF DUNCAN
Member of Congress



BILLY LONG
Member of Congress

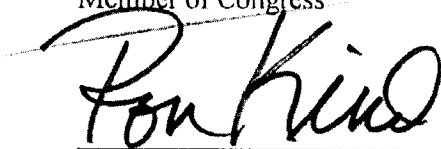


MICK MULVANEY
Member of Congress

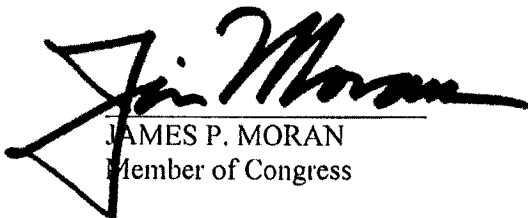
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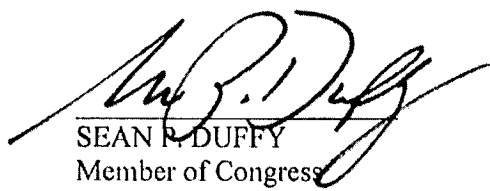
BILL JOHNSON
Member of Congress



RON KIND
Member of Congress



JAMES P. MORAN
Member of Congress



SEAN P. DUFFY
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 25 2014

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of November 22, 2013, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding your concerns about the proposed Version 6 ENERGY STAR program specifications for windows, doors and skylights. The Administrator has asked that I respond on her behalf.

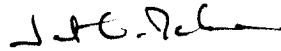
Over the past three years, the EPA has led an open and transparent process to establish new ENERGY STAR requirements for windows, doors and skylights that reflect the top performers in today's market. The revision process included multiple opportunities for formal stakeholder comment. The EPA received input and responded to comments from more than 80 different stakeholders, including product manufacturers, component manufacturers, trade associations, utility programs, energy efficiency groups and other interested parties. These comments ranged from those supportive of the proposed criteria, to requests for more stringent requirements, to concerns the requirements were too stringent.

The EPA's additional analysis of the cost data submitted voluntarily by product manufacturers to help guide the specification revision process indicates that the new levels offer the shortest payback period for consumers. The payback period is typically less than 10 years for lower and average cost products in a wide variety of climates across the U.S. As expected, the best paybacks are typically in climates that experience the most extreme temperatures, either hot or cold. Furthermore, the EPA's review of the current marketplace for windows indicates that many proven, cost-effective technologies are readily available to help manufacturers meet the proposed specification and that more expensive technologies are not necessary to comply. These technologies include better glass and frames.

Just a few weeks ago, the EPA finalized the Version 6 criteria after carefully reviewing all stakeholder comments received on the final draft criteria. Several additional adjustments were made in the final specification based on this feedback. These include extending the implementation date for the Northern Zone performance criteria for windows to January 1, 2016, and revising the skylight performance criteria in the Northern, North-Central, and South-Central Zones to make the criteria less stringent. We believe the resulting criteria are reasonable and balanced. Further information on all criteria adjustments made during this process and the EPA's responses to received comments can be found on the ENERGY STAR website at: http://www.energystar.gov/index.cfm?c=revisions.residential_windows_spec.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "J. G. McCabe", written in a cursive style.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

January 15, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, Northwest
Washington, D.C. 20460

Dear Administrator McCarthy,

We are writing to request a sixty day extension of the comment period for the Environmental Protection Agency's proposed rule titled Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units (RIN 2060-AQ91).

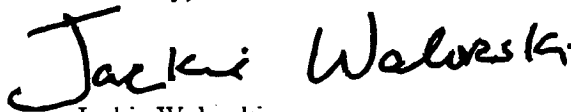
Given the 2.5 million comments EPA received for the previous version of this rule and the many stakeholders who could be affected, we believe a comment period extension is appropriate.

As you know, the EPA's actions have far-reaching implications, and this proposed rule affects not only coal and natural gas companies but also energy-intensive industries like manufacturing and construction as well as average American families trying to pay their electric bills.

Given that nearly forty percent of electricity in the United States is generated by coal, it is especially important to carefully consider both the short- and long-term ramifications of this proposal. In some states nearly ninety percent of electricity is coal-powered, so consumers could be especially hard-hit. We have already heard an outpouring of concern from constituents alarmed about this proposal's impact on energy affordability, job creation, and long-term economic growth. Allowing stakeholders additional time to comment will ensure those wishing to share their views are able to do so and will enable the EPA to more fully consider public opinion.

Thank you for your attention to this matter. We look forward to working with you to develop commonsense policies that protect our precious natural resources while creating jobs, lowering costs, and boosting our economy.

Sincerely,

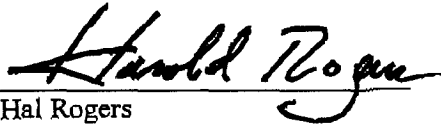


Jackie Walorski
Member of Congress


Mike Conaway
Chairman, Committee on Ethics



Sam Graves
Chairman, Committee on Small Business



Michael McCaul
Chairman, Committee on Homeland Security



Hal Rogers
Chairman, Committee on Appropriations

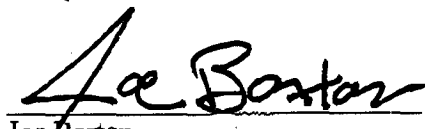

Bill Shuster
Chairman, Committee on Transportation and Infrastructure


Lamar Smith
Chairman, Committee on Space, Science,
& Technology


Nick Rahall
Ranking Member, Committee on Transportation and Infrastructure


Robert Aderholt
Member of Congress

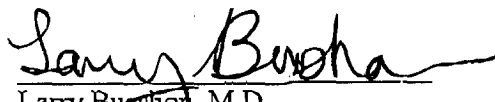

Andy Barr
Member of Congress


Joe Barton
Member of Congress

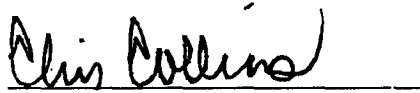

Marsha Blackburn
Member of Congress



Susan Brooks
Member of Congress



Paul Broun, M.D.
Member of Congress



Larry Bucshon, M.D.
Member of Congress


Shelley Moore Capito
Member of Congress



Chris Collins
Member of Congress

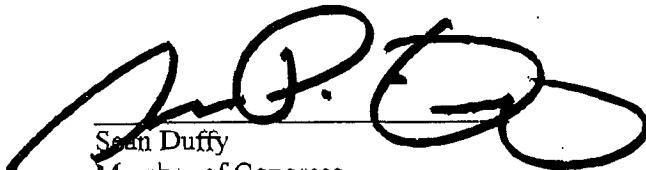

Doug Collins
Member of Congress

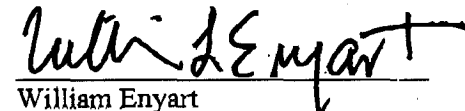

Kevin Cramer
Member of Congress

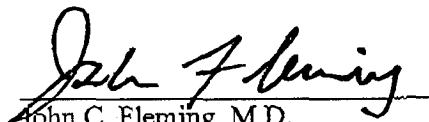

Steve Daines
Member of Congress



Rodney Davis
Member of Congress



Charles Dent
Member of Congress

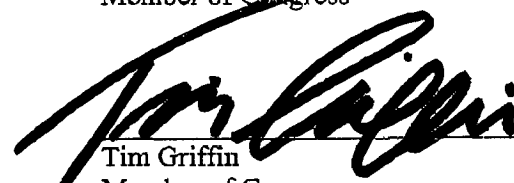

Sean Duffy
Member of Congress


William Enyart
Member of Congress


John C. Fleming, M.D.
Member of Congress

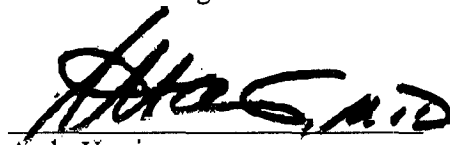

Bill Flores
Member of Congress


Raul Gosar, D.D.S.
Member of Congress


Tim Griffin
Member of Congress



H. Morgan Griffith
Member of Congress

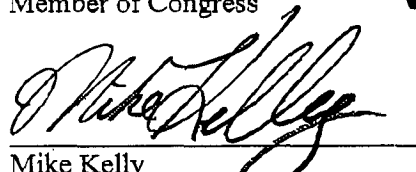

Brett Guthrie
Member of Congress

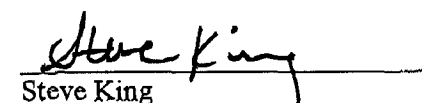

Andy Harris
Member of Congress

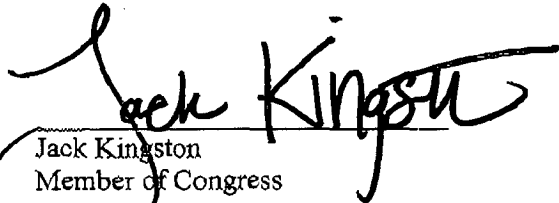

Vicky Hartzler
Member of Congress



Tim Huelskamp
Member of Congress


Bill Johnson
Member of Congress



Mike Kelly
Member of Congress

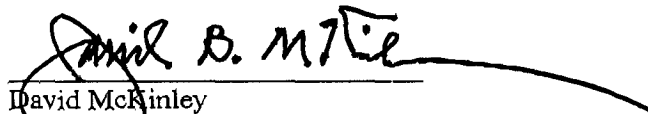

Steve King
Member of Congress



 Jack Kingston
 Member of Congress

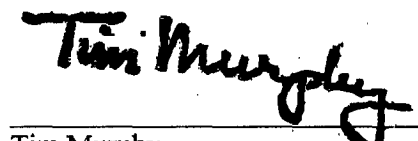

 Doug Lamborn
 Member of Congress


 Billy Long
 Member of Congress

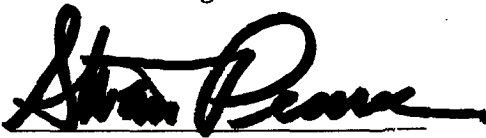

 Thomas Massie
 Member of Congress

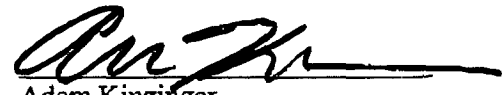

 David McKinley
 Member of Congress



 Luke Messer
 Member of Congress



 Tim Murphy
 Member of Congress



 Rich Nugent
 Member of Congress



 Stevan Pearce
 Member of Congress

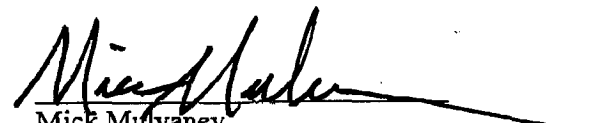

 Adam Kinzinger
 Member of Congress

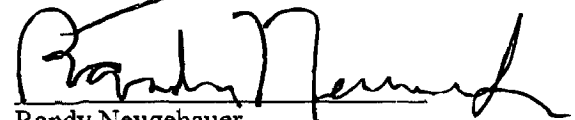

 Robert Latta
 Member of Congress



 Cynthia Lummis
 Member of Congress



 Jim Matheson
 Member of Congress


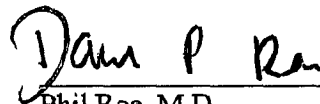

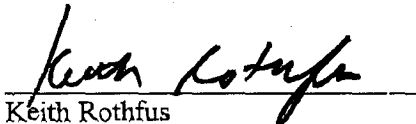
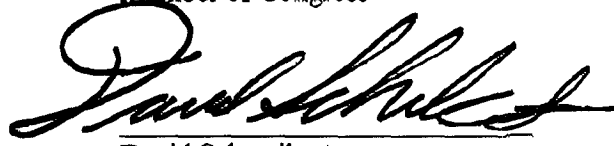
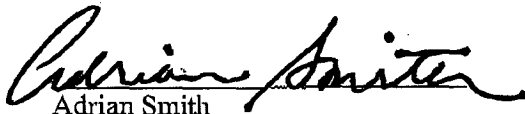
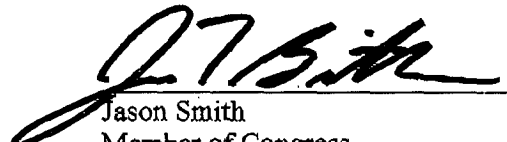
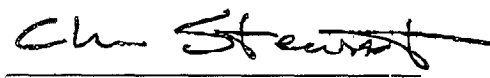
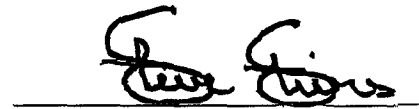
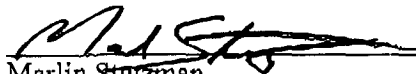
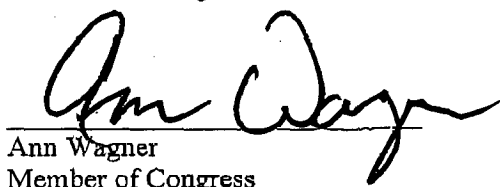
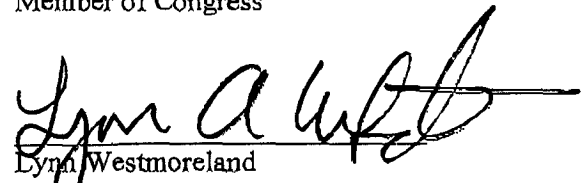
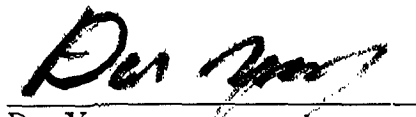

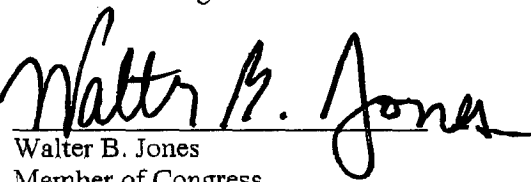

 Cathy McMorris Rodgers
 Member of Congress


 Mick Mulvaney
 Member of Congress


 Randy Neugebauer
 Member of Congress


 Pete Olson
 Member of Congress


 Trey Radel
 Member of Congress


Jim Renacci
Member of Congress
Phil Roe, M.D.
Member of Congress
Dana Rohrabacher
Member of Congress
Todd Rokita
Member of Congress
Keith Rothfus
Member of Congress
David Schweikert
Member of Congress
Adrian Smith
Member of Congress
Jason Smith
Member of Congress
Chris Stewart
Member of Congress
Steve Stivers
Member of Congress
Marlin Stutzman
Member of Congress
Glenn 'GT' Thompson
Member of Congress
Ann Wagner
Member of Congress
Lynn Westmoreland
Member of Congress
Don Young
Member of Congress
Todd Young
Member of Congress
Walter B. Jones
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 8 2014

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of January 15, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy. In the letter, you and your colleagues request a 60-day extension of the public comment period for the proposed "Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units," also known as the Carbon Pollution Standards, which were published in the *Federal Register* on January 8, 2014. The Administrator has asked that I respond on her behalf.

The proposal included a public comment period of 60 days, which would have ended on March 10, 2014. We have now extended the public comment period on the proposed Carbon Pollution Standards for new power plants by an additional 60 days, to May 9, 2014. This will ensure that the public has sufficient time to review and comment on all of the information available, including the proposed rule, the notice of data availability, and other materials in the docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

Eades, Cassandra

From: Lewis, Josh
Sent: Tuesday, May 27, 2014 1:08 PM
To: Eades, Cassandra; Mims, Kathy
Cc: Mackay, Cheryl
Subject: FW: Member Letter to Administrator McCarthy on Comment Period for upcoming GHG rule
Attachments: Final GHG 120 day comment period letter.pdf

For CMS...

From: Orth, Patrick [mailto:Patrick.Orth@mail.house.gov]
Sent: Friday, May 23, 2014 2:37 PM
To: Distefano, Nichole; Lewis, Josh
Cc: Baker III, John; Beukelman, Jan; Hart, Ryan (Rep. Jason Smith)
Subject: Member Letter to Administrator McCarthy on Comment Period for upcoming GHG rule

Nichole and Josh – attached is a letter from 178 bipartisan Members of the House asking ‘for a comment period of at least 120 days on the forthcoming new source performance standards for existing coal-based power plants.’ My boss, Mr. Johnson (OH), Mr. Thompson (MS), Mr. Smith, and Mr. Matheson were the 4 co-leads on the letter. I’ve copied the full list of names below since many signatures are hard to read. Please let us know if you have any questions and have a great holiday weekend.

Best regards,

Patrick

Patrick Orth
Legislative Director
Congressman Bill Johnson, OH-6
202-225-5705
patrick.orth@mail.house.gov

Bill Johnson
Bennie Thompson
Jason Smith
Matheson
Steve Daines
Dennis Ross
Walter Jones
Tom Rooney
Gene Green
Reid Ribble
Dave Jolly
Collin C. Peterson
Jim Costa
Kevin Cramer

Mario Diaz-Balart
Jeff Miller (FL)
Henry Cuellar
Randy Hultgren
David McKinley
Steve Southerland
Daniel Webster
Ted Yoho
John Duncan (TN)
Lee Terry
Steve Stivers
Ander Crenshaw
Stephen Fincher
Ed Perlmutter
Morgan Griffith
Sam Graves
Paul Broun
James Lankford
Vicky Hartzler
Billy Long
Bob Latta
Tom Price
Mac Thornberry
Dan Benishek
Steve King
Steven M. Palazzo
Jason Chaffetz
Phil Roe
Rob Bishop
Mike McIntyre
Robert Aderholt
Bob Gibbs
Dave Loebsack
Shelley Moore
Capito
David Joyce
Bill Huizenga
Mark Meadows
Gus Bilirakis
Alan Nunnelee
Trent Franks
Spencer Bachus
Pete P. Gallego
Jackie Walorski

Blaine
Luetkemeyer
Diane Black
Tom Reed
Patrick J. Tiberi
Cynthia Lummis
Mick Mulvaney
Gregg Harper
Aaron Schock
Ileana Ros-
Lehtinen

Howard Coble
Steve Pearce
Jeff Fortenberry
Ann Kirkpatrick
Keith Rothfus
Robert Pittenger
Cheri Bustos
David Scott
Tom Cole
Adam Kinzinger
Scott Garrett
Markwayne Mullin
Kristi Noem
Mike Rogers (AL)
Tim Walberg
Ann Wagner
Tom Graves
Mark Amodei
Charles Boustany
Rick Crawford
Ron Barber
Mike Conaway
Nick Rahall
Duncan Hunter
Jim Jordan
Cory Gardner
Sean Duffy
Jack Kingston
Tom Cotton
Tim Huelskamp
Scott DesJarlais
Marsha Blackburn
Lynn
Westmoreland

Lynn Jenkins
Steve Womack
Tim Griffin
Paul Gosar
Rob Woodall
Michele Bachmann
Austin Scott
Phil Gingrey
Tim Murphy
Sanford Bishop
Rich Nugent
Tom Rice
Martha Roby
David Schweikert
Don Young (AL)
Jim Renacci
Doug Collins (GA)
Doug Lamborn
John Barrow
Andy Barr
Mike Pompeo
Tom Petri
Tim Walz
Charlie Dent
Chuck Fleischmann
Steve Stockman
Frank Lucas
Chris Collins (NY)
William L. Enyart
Kristen Sinema
Scott Tipton
Thomas Massie
Mark Sanford
Brad Wenstrup
Ruben Hinojosa
Randy Neugebauer
Mike Coffman
Luke Messer
Richard Hudson
Jeff Duncan
John Kline
Larry Bucshon
Ron DeSantis
Adrian Smith

Todd Rokita
Todd Young
Glenn Thompson
Robert Hurt
G. K. Butterfield
Joe Wilson
Kurt Schrader
Randy Weber
Tom Marino
Chris Gibson
Brett Guthrie

Vern Buchanan
Terri Sewell
Raúl Labrador
Mike Simpson
Susan Brooks
Devin Nunes
Rodney Davis
Trey Gowdy
Bradley Byrne
Chris Stewart
Cedric L.
Richmond
Danny Davis
Tom Latham
Wm. Lacy Clay
Filemon Vila
Emanuel Cleaver
Renee Ellmers
Joyce Beatty
Virginia Foxx
Steve Chabot
Mike Turner
John Shimkus
Randy Forbes
Marlin Stutzman

Congress of the United States
Washington, DC 20515

May 22, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

We are writing to request that the Environmental Protection Agency provide a sufficiently long comment period on its upcoming regulation of greenhouse gases from existing power plants. The Agency should provide at least a 120 day comment period, given the significant impact this rule could have on our nation's electricity providers and consumers, on jobs in communities that have existing coal-based power plants, and on the economy as a whole.

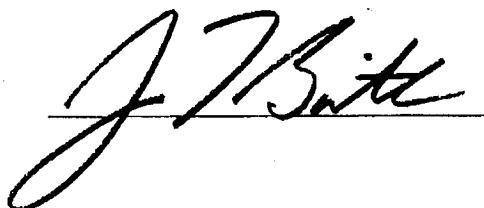
The upcoming proposal will necessarily be more complex for the industry to deal with than the proposal for new plants, and stakeholders will need time to analyze the rule and determine its impact on individual power plants and on the electric system as a whole. This analysis will be no small undertaking, especially since this will be the first ever regulation of greenhouse gases from existing power plants. Additionally, since the EPA extended the original 60 day comment period for the new plant proposal, it makes sense to provide at least the same timeline for the existing plant rule.

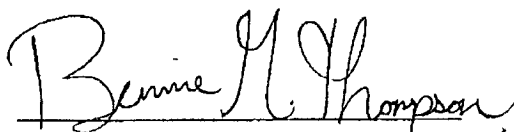
Affordable and reliable electricity is essential to the quality of life to our constituents. While we can all agree that clean air is important, EPA has an obligation to understand the impacts that regulations have on all segments of society. As one step toward fulfilling this obligation, we urge you to provide for a comment period of at least 120 days on the forthcoming new source performance standards for existing coal-based power plants.

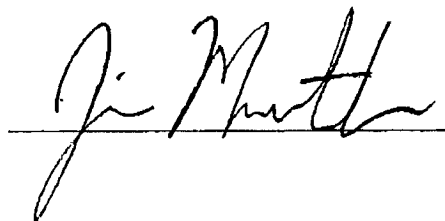
Thank you for your consideration of this request.

Sincerely,









Robert Adenholz

De Yung

Jim Matheson
CPL

Mark R. Shuman

Suzanne Brooks

Kyle S. Jr

Ron Barber

Mac J. Lundy

John Barrow

Shane R. Pettin

Rodney Davis

Raul R. Labrador

Trey Gowdy

Jenni Sewell

Darin Noma

Andre Brusch

No 777

Alan Wagner

Jackie Walveski

K. M. Long

Nickie M. Fortye

Hy Cullen

Frankie Banks

Tim Walberg

Paul Ben

John Kline

~~Bob [unclear]~~

Mike Colman

Q. W. Dutt

Sam Cole

Tim Peters

Chris Cullens

Markwayne Mullin

J. Magnifico

Jayong

A. Bucher IN-08

Paul White

Chui Buster

Eric Evers

Vicky Hartman

Rita Ay

Conrad Mylon

Christi Noem^(SD)

Jim Ray

J.P. Cing

Mike Walker

Tri Allen

Midland

Win Zempert

Bob Woodall

Sam

Reid Riddle

Jeff Fortenberry

Jim Jordan

Quinn Black

Steve Loeback

Billy Long

Ed Palmiter

Sam

Alan

C.W. Bonstetter

Andy Bone

Alfred Lee Funt

Randy K. Weller

Quaker Scott

Tad S. Geko

Oliver GT Thompson
Hunt



J. L. Z

Bill Gray M.C.

D. C. All

Kurt Schneider

Don Benishke

W. J. Pomeroy

Tom Huelstberg

Thomas B. Rice

Robert Luttinger

Mike Simpson

John IL-15

Joe Wilber

Rubin Hengosa

Ken Terry NE-2

Paul M

Don P. Jew

Don D. H. H.

Bill Huizenga

Ch. H.

Frank R. W. H.

Steve W. H.

Mr. H. H. H.

Lynne Jenkins

Ken Crum

W. J. H.

Pat Tiller

J. Rody Forbes

Vern Buhner

James Buhner

Michael B. Jensen

Scott Garrett

Stu Chabot

Wm. Lacy Clay

Butterfield

Willi Pen

Howard Coble

Danny H. Davis

Adrian Smith

Tom Siskam

Virginia Fox

Ernest Penner

Steve King

Amford D. Bishop Jr.

Gene Green

Steve Chaffetz

Doug Lamborn

Denny

Richard Buchanan

Lynn A. Woolh

Steve Pearce

Blaine Luetken

Sen. M. B. B. B.

Mike Rahall

Frank D. Lucas

Jack Kingston

Shelley Moore Capito

Walter B. Jones

Tim Wirth

Rob Bly

Long Adams

Steve Di

Angela

Chris

Mike Kozak

Ch Stewart

Brett Hathorn

Tom Mann

Joyce Beatty

Jackie Walveski

Renee Elie

Fah Vele

Hath Pether

Paul A. Horan

John Messer

Jeff Durr

Shirley Peery

Cynthia D. Lummis

June V. Amos

Martha Bloom

Constance Hunt

Scott R. Tipton

Tim Beath

Al G. Orr

Odd Pedersen

Chuck Flinn

Steve Rizzo

Y. K. Kilgaff

BA Bick

Gregg Harper

Jeff Miller

Ann Sch

Tom Rice

Nick Sauer

John F. Hallego

Martha Robey

Tom Graves

Tam Catto

Daniel P. Doe

Randy Huley

Thomas Massie

Michael P. G. AL-3

Richard Hudson

M. M. M.

TN-04

David B. M. T. C.

Chil. T. T. T.

John J. Dunsen Jr.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 2, 2014

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of May 22, 2014 to Administrator Gina McCarthy, requesting that the U.S. Environmental Protection Agency include a 120-day comment period on our proposed Clean Power Plan, also known as the Carbon Pollution Guidelines for Existing Power Plants. The Administrator has asked me to respond on her behalf.

As you know, the EPA conducted unprecedented outreach while developing this proposal. We met with stakeholders from around the country, including representatives from state and local governments, electric utilities, and civil society. Among the many creative ideas and constructive comments offered were requests similar to yours, to ensure that the comment period allowed the public sufficient time to provide meaningful input on this proposed rule.

Recognizing that the proposal asks for comment on a range of issues, some of which are complex and novel, the EPA has decided to propose this rule with a 120-day comment period. This will allow the EPA to solicit advice and information from the many stakeholders and citizens who we expect will be interested in this rulemaking, giving us the best possible information on which to base a final rule. The proposed rule, as well as information about how to comment and supporting technical information, are available online at: <http://www.epa.gov/cleanpowerplan>. Comments on the proposed guidelines should be identified by Docket ID No. EPA-HQ-OAR-2013-0602.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet G. McCabe", is located below the "Sincerely," text.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
House of Representatives
Washington, DC 20515-2600

July 11, 2014

The Honorable Gina McCarthy
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20460

Dear Administrator McCarthy:

We are writing to express our deep concerns with a recent Environmental Protection Agency (EPA) claim to have authority to "garnish non-Federal wages to collect delinquent non-tax debts owed the United States without first obtaining a court order."

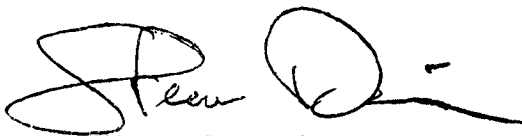
This claim seems to violate American citizens' Constitutionally-guaranteed right to due process by placing the burden of proof on the debtor, rather than the agency. The process for challenging fines and wage garnishment is not satisfactory because it allows the agency to decide if the accused can even present a defense.

The increasingly punitive nature of the agency is also of concern. According to the agency's annual reports, the amount of fines collected by the EPA has gone from \$96 million in 2009 to \$252 million in 2013. Though we agree stakeholders must be responsible and the EPA should enforce rules reasonably, the more than 160 percent increase in a span of only four years indicates that some of these fines may have been excessive.

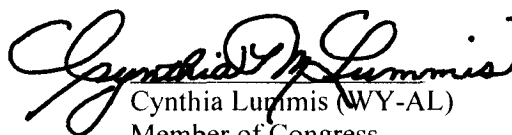
The EPA has said the rule was not subject to review because it is not a "significant regulatory action." But it has recently been reported that a Wyoming homeowner was threatened with a \$75,000 fine for building a pond on his property. That might seem like a drop in the bucket to a bureaucratic agency with a multi-billion dollar budget, but for the vast majority of Americans, \$75,000 is a lot of money. The proposed rule would make it both more difficult to dispute such fines and provide incentive for the EPA to issue penalties against more Americans. Its impact, therefore, would certainly create "significant" hardships on affected individuals.

The agency has fast-tracked the rule to take effect on September 2nd, 2014 absent sufficient opposing comment by August 1st, 2014. We are writing to voice our strongest opposition to the rule and the EPA's inadequate engagement with the public concerning it. Further, we ask that you reverse your decision and not follow through with this rule. By doing so, your agency will demonstrate respect for the right to due process under the law that is guaranteed to all Americans by the Constitution.

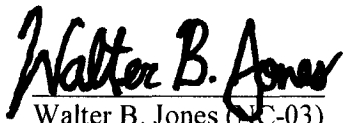
Sincerely,



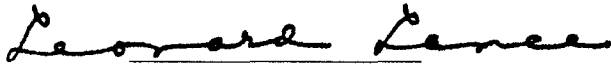
Steve Daines (MT-AL)
Member of Congress



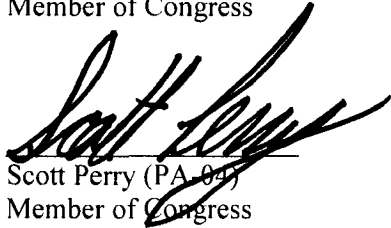
Cynthia Lummis (WY-AL)
Member of Congress



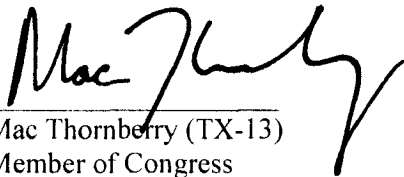
Walter B. Jones (NC-03)
Member of Congress



Leonard Lance (NJ-07)
Member of Congress



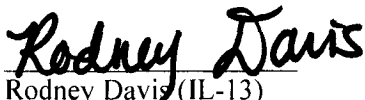
Scott Perry (PA-04)
Member of Congress



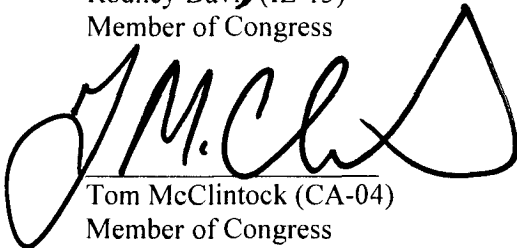
Mac Thornberry (TX-13)
Member of Congress



Kevin Cramer (ND-AL)
Member of Congress



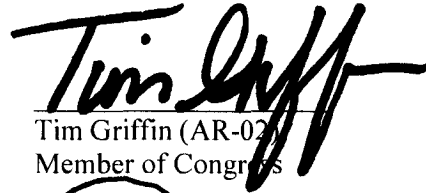
Rodney Davis (IL-13)
Member of Congress



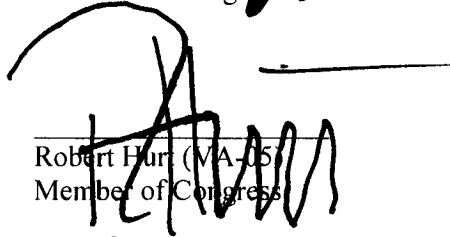
Tom McClintock (CA-04)
Member of Congress



Scott Tipton (CO-03)
Member of Congress



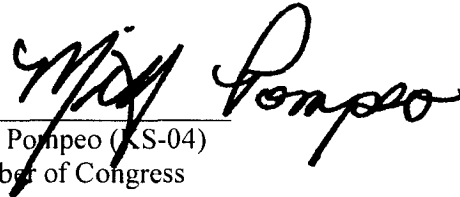
Tim Griffin (AR-02)
Member of Congress



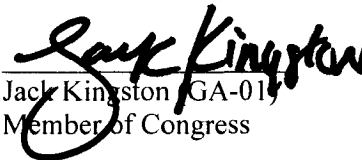
Robert Hurt (VA-05)
Member of Congress



Dan Benishek M.D. (MI-01)
Member of Congress



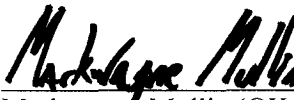
Mike Pompeo (KS-04)
Member of Congress



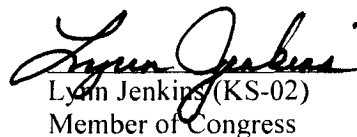
Jack Kingston (GA-01)
Member of Congress



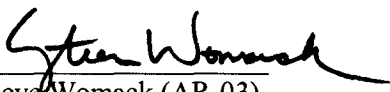
Tom Cotton (AR-04)
Member of Congress

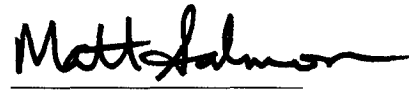


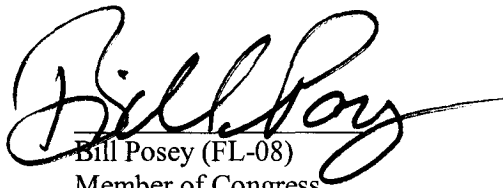
Markwayne Mullin (OK-02)
Member of Congress




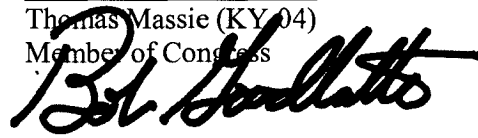
Lynn Jenkins (KS-02)
Member of Congress

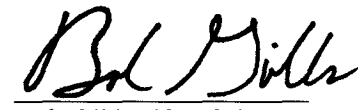

Steve Womack (AR-03)
Member of Congress



Matt Salmon (AZ-05)
Member of Congress

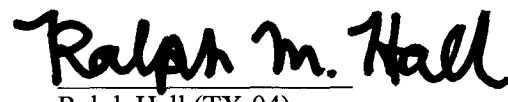

Bill Posey (FL-08)
Member of Congress



Thomas Massie (KY-04)
Member of Congress



Bob Goodlatte (VA-06)
Member of Congress

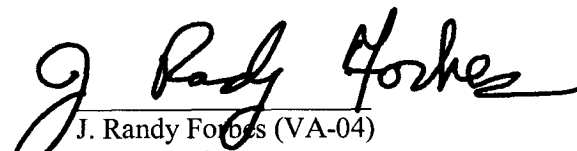

Bob Gibbs (OH-07)
Member of Congress


Michael T. McCaul (TX-10)
Member of Congress


Ralph Hall (TX-04)
Member of Congress


Gregg Harper (MS-03)
Member of Congress


Rick Crawford (AR-01)
Member of Congress


J. Randy Forbes (VA-04)
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 21 2014

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of July 11, 2014, to the U.S. Environmental Protection Agency's Administrator, Gina McCarthy. I appreciate this opportunity to clarify the EPA's direct final rule, "Administrative Wage Garnishment," which we published in the Federal Register on July 2, 2014, at 79 FR 37644. Due to comments the agency has received and per the Federal Register notice, we published a withdraw notice for the direct final rule in the Federal Register on July 17, 2014, at 79 FR 41646. However, our proposed rule to use administrative wage garnishment as a debt collection tool remains open. On July 23, 2014, the EPA extended the comment period to September 2, 2014, in order to provide additional time for public comment to the agency on this proposed rule.


The Debt Collection Improvement Act of 1996 gives federal agencies the authority to collect delinquent nontax debt owed to the United States through administrative wage garnishment. Currently, at least 30 federal agencies use such wage garnishment to collect federal debt. We are unaware of any successful constitutional due process challenges to the Debt Collection Improvement Act of 1996.

The EPA will begin using administrative wage garnishment after the proposed rule becomes final and following negotiations with the Department of Treasury on a memorandum of understanding, as the EPA has chosen for Treasury to conduct any administrative wage garnishment hearings on the EPA's behalf. When the EPA begins using administrative wage garnishment, the Department of Treasury will send a wage garnishment notice to the debtor, the debtor will be afforded the full opportunity to exercise his/her due process rights, and, if administrative wage garnishment ensues, the EPA will receive the proceeds from the collection minus fees charged by the Treasury to the EPA for performing this service. The EPA's ability to use the money will depend on the nature of the appropriation from which the collection occurred.

Administrative wage garnishment is only one of a suite of debt collection tools used by federal agencies to collect delinquent nontax debt. Our proposed rule will make available this tool to the EPA, so the EPA can join with other federal agencies in ensuring that nontax delinquent debts are recovered for appropriate public use per the Debt Collection Improvement Act of 1996.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, reading "Maryann Froehlich". The signature is written in a cursive, flowing style.

Maryann Froehlich
Acting Chief Financial Officer

Congress of the United States
Washington, DC 20515

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

On November 25, 2014, you issued a proposed rulemaking to tighten the existing National Ambient Air Quality Standard (NAAQS) for ozone from 75 parts per billion (ppb) to a range between 60 and 70 ppb.¹ While we have numerous objections to the proposed rule, today we write specifically regarding background ozone. The ozone levels you have proposed would be unachievable for many states with already high levels of background ozone.

Ozone background levels are caused by natural sources and foreign emissions. The proposed federal standard and accompanying regulatory impact analysis (RIA) acknowledge the challenges caused by ozone background levels, including in western states. The rule states that there are times when ozone levels “approach or exceed the concentration levels being proposed in this notice (i.e., 60-70 ppb) in large part due to background sources.”²

The RIA further explains that background ozone is a relatively larger percentage (e.g., 70-80%) of the total seasonal mean ozone in locations within the intermountain western U.S. and along the U.S. border.³ In many of these areas, attaining a lower standard may be impossible, regardless of technology. Rural areas in particular simply do not have as many local emission sources to control. A nonattainment designation could end up being permanent, causing significant economic harm to local economies.

While the proposed rule attempts to address some of these concerns by suggesting that affected areas can seek exemptions, our experience petitioning EPA shows that it can be a resource intensive, lengthy process with an uncertain outcome. For example, given the reoccurring high ozone background levels in some regions, it will be difficult to show that the measured ozone levels exceed “normal historical fluctuations” as required by EPA’s current rules.⁴

EPA’s Clean Air Scientific Advisory Committee (CASAC) also struggled with addressing the high ozone background levels in formulating its recommendations to the Agency on a new standard. The Committee noted in its final letter to EPA that the Agency had failed to

¹ EPA’s National Ambient Air Quality Standards for Ozone, Proposed Rule, 79 FR at 75,234.

² *Id.* at 75,382.

³ EPA’s draft Regulatory Impact Analysis of the Proposed Revisions to the National Ambient Air Quality Standards for Ozone p. 2-16, available at <http://www.epa.gov/ttn/ecas/regdata/RIAs/20141125ria.pdf>.

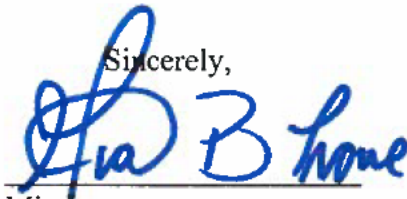
⁴ *Id.* at 3A-60 (referencing EPA’s existing Exceptional Events Rule).

provide key advice on how background levels should be considered.⁵ EPA's failure to provide this critical advice to those impacted by the rule is a significant weakness that must be considered in evaluating CASAC's recommended range.

The proposed rule confirms that EPA can consider proximity to background levels in setting a new standard, as it should. However in this case, the current proposal sets some states up to fail due to background ozone beyond their control. This reinforces our belief that the proposed ozone rule is flawed and should be withdrawn.

At a minimum, EPA should not revise the ozone standard until it has assessed and published for public comment the impact of its planned revisions to its Exceptional Events policy, and the extension of that policy to the ozone monitoring season. Without this information, neither EPA nor the public can assess the impact of what EPA is asking western and border states to do.

Sincerely,



Mia Love
Member of Congress



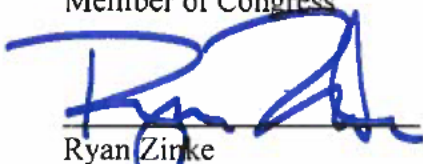
Cynthia Lummis
Member of Congress



Paul Gosar
Member of Congress



Jason Chaffetz
Member of Congress



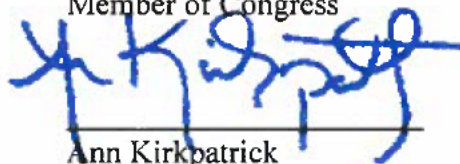
Ryan Zinke
Member of Congress



Scott Tipton
Member of Congress



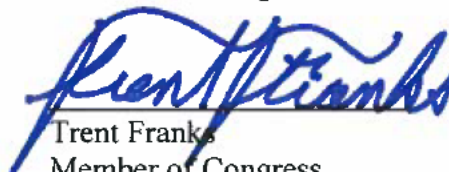
Steve Pearce
Member of Congress



Ann Kirkpatrick
Member of Congress



Chris Stewart
Member of Congress



Trent Franks
Member of Congress

⁵ CASAC letter, available at

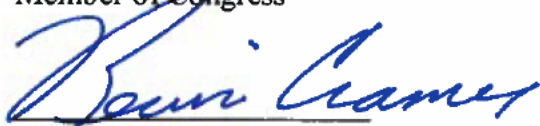
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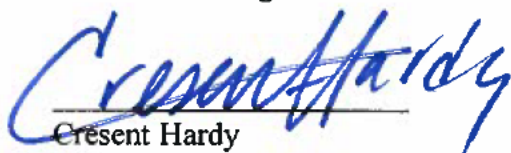
Rob Bishop
Member of Congress



David Schweikert
Member of Congress



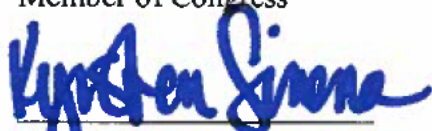
Kevin Cramer
Member of Congress



Cresent Hardy
Member of Congress



Doug Lamborn
Member of Congress



Kyrsten Sinema
Member of Congress



Raúl Labrador
Member of Congress



Martha McSally
Member of Congress



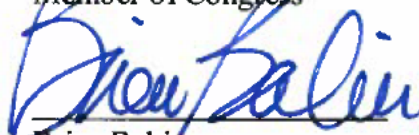
Mark Amodei
Member of Congress



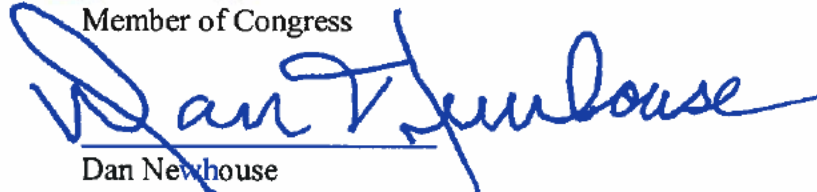
Pete Olson
Member of Congress



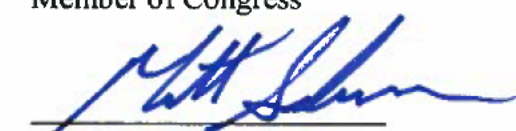
Steven Palazzo
Member of Congress



Brian Babin
Member of Congress



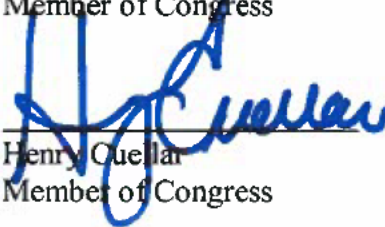
Dan Newhouse
Member of Congress



Matt Salmon
Member of Congress



Ken Buck
Member of Congress



Henry Cuellar
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 17 2015

OFFICE OF
AIR AND RADIATION

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your recent letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects.

We have made great progress in improving air quality and public health in the United States, and it has not come at the expense of our economy. Indeed, over the past 40 years, air pollution has decreased by nearly 70 percent while the economy has tripled.

I appreciate your comments on the ozone proposal and have asked my staff to place your letter in the docket for the rulemaking. We have received a number of comments on the issue of background ozone and are carefully considering them.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis, Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

A handwritten signature in blue ink, which appears to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

July 31, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Ave., NW
Mail Code: 1101A
Washington, D.C. 20460

Dear Administrator Pruitt,

We write to express our concern related to the U.S. Environmental Protection Agency's (EPA) proposed rule, "Financial Responsibility Requirements Under CERCLA 108(b) for Classes of Facilities in the Hardrock Mining Industry," which was published in the Federal Register on January 11, 2017 (82 Fed. Reg. 3388).

This proposed regulation is duplicative, unnecessary and punitive to an industry that generates more than 1.2 million jobs and provides approximately \$3 trillion in added value to America's gross domestic product (GDP).

We greatly appreciate the comment period extension EPA granted earlier this year, which was necessary to allow stakeholders an opportunity for thoughtful review and comment on this complex and important issue.

Today, we reiterate several troubling issues already raised throughout the rulemaking process. The fact remains that EPA's rule seeks to impose excessive and duplicative financial assurance obligations on the hardrock mining and mineral processing (HRM) industry, which will lead to needlessly damaging economic consequences for the industry without yielding even nominal environmental benefits.

Moreover, EPA's imprudent proposal sets a bad precedent for other industry sectors identified by the agency as targets for future CERCLA financial responsibility rules, including chemical manufacturing, oil and gas, and electric utilities.

As it stands, the EPA's proposed rule will produce a duplicative layer of financial responsibility regulations on top of the financial obligations already mandated by existing state and federal regulations. We do not believe that EPA's assessment of the HRM industry appropriately accounted for the comprehensive federal and state programs and associated financial assurance safeguards already in place. These programs ensure that all phases of mining, reclamation, closure and post-closure are designed and operated to provide protection against the very same risks EPA seeks to address in the rule. If EPA finalizes this rule as proposed, the agency will usurp states' regulatory purview and needlessly duplicate stringent state and federal requirements.

EPA's Regulatory Impact Analysis estimates that this rule will impose \$7.1 billion in new financial responsibility obligations on the HRM industry. *See* 82 Fed. Reg. at 3392. According to EPA's data, the proposed rule will require HRM facilities to incur \$171 million per year in new financial responsibility costs, while only saving the government \$15.5 million per year. *Id.* at 3440.

Analyses conducted by affected industries include more comprehensive considerations and assumptions based on knowledge of industry operations. Such analyses estimate the cost of this new federal program to be significantly higher than EPA's already-crippling projections.

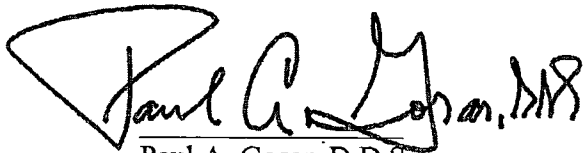
The high costs of compliance with the rule will further discourage domestic mineral production and stymie future investment and development opportunities. In turn, this regulation will increase our nation's import reliance on metals and minerals from foreign countries—putting the United States domestic manufacturing, energy, and national security sectors at a major competitive disadvantage. This rule will also have substantial adverse impacts on local economies that depend on high-paying, living-wage HRM industry jobs to support families and generate sufficient tax revenue for local and state governments.

We understand that EPA is currently under a court order to issue a notice of final action by Dec. 1, 2017. As such, we strongly urge you to review and carefully consider industry and Congressional input. In fact, the House Appropriations Committee passed the Interior and Environment Appropriations bill earlier this month with language prohibiting the agency from finalizing the rule in its current form.

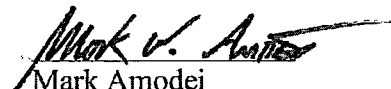
It is our hope that you will conclude, as we have, that this rulemaking is duplicative and unnecessary on account of existent, robust financial responsibility requirements already in place at the state and federal level. The current rulemaking is unnecessary. The agency should choose the "no action" alternative and allow the current requirements already in place to continue.

Thank you for your consideration, and please do not hesitate to contact our offices if we can be of further assistance in these matters.

Sincerely,



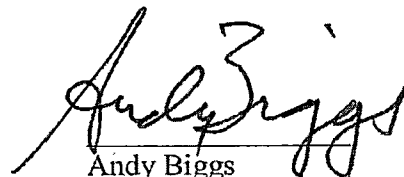
Paul A. Gosar, D.D.S.
Member of Congress



Mark Amodei
Member of Congress



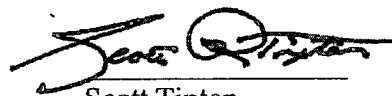
Trent Franks
Member of Congress



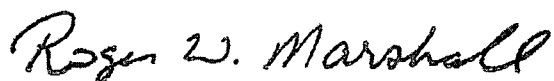
Andy Biggs
Member of Congress



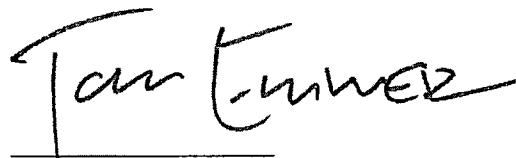
Mia Love
Member of Congress



Scott Tipton
Member of Congress



Roger Marshall, M.D.
Member of Congress



Tom Emmer
Member of Congress



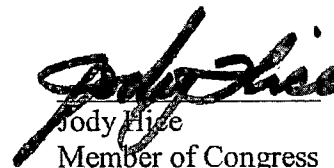
Brian Babin
Member of Congress



Doug LaMalfa
Member of Congress



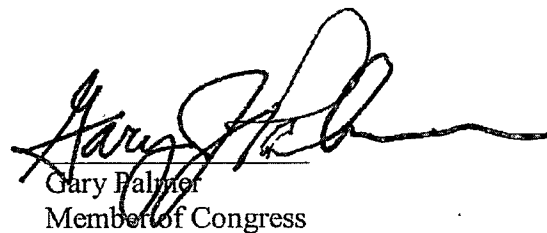
Chris Stewart
Member of Congress



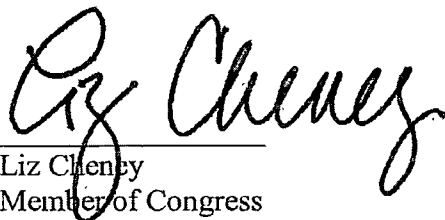
Jody Hice
Member of Congress



Mike Johnson
Member of Congress



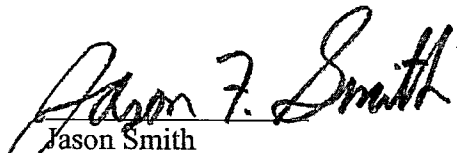
Gary Palmer
Member of Congress




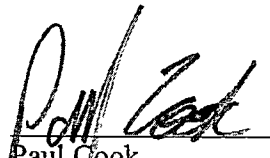
Liz Cheney
Member of Congress




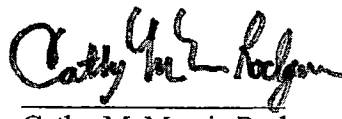
Ted S. Yoho, D.V.M.
Member of Congress



Jason Smith
Member of Congress



Ken Buck
Member of Congress

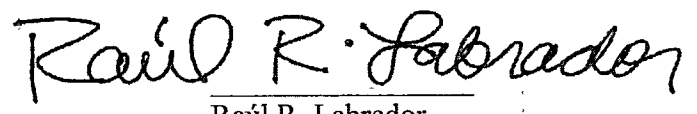

Paul Cook
Member of Congress

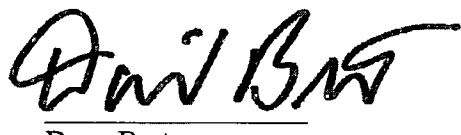

Alex Mooney
Member of Congress



Cathy McMorris Rodgers
Member of Congress

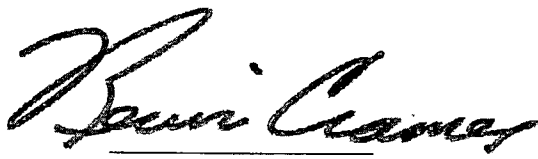

Rob Bishop
Member of Congress



Greg Gianforte
Member of Congress


Raúl R. Labrador
Member of Congress


Dave Brat
Member of Congress


Bill Johnson
Member of Congress


Kevin Cramer
Member of Congress

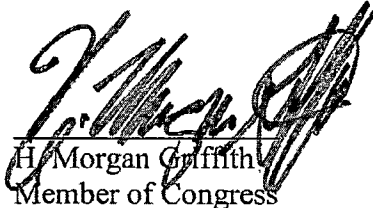

David G. Valadao
Member of Congress



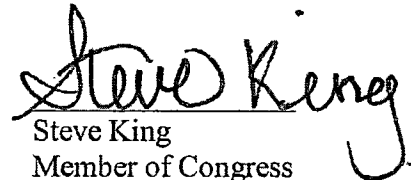
David Schweikert
Member of Congress



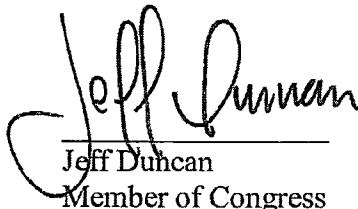
Mike Simpson
Member of Congress



H. Morgan Griffith
Member of Congress



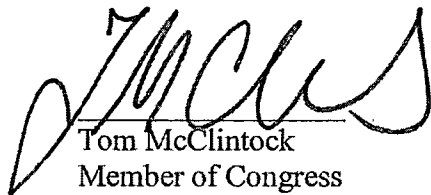
Steve King
Member of Congress



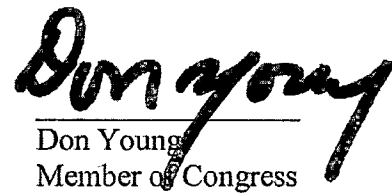
Jeff Duncan
Member of Congress



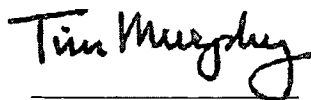
David McKinley
Member of Congress



Tom McClintock
Member of Congress



Don Young
Member of Congress



Tim Murphy
Member of Congress



Walter Jones
Member of Congress



Doug Lamborn
Member of Congress



Steve Pearce
Member of Congress



Bill Flores
Member of Congress



Bob Gibbs
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 27 2017

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for your letter of July 31, 2017, regarding the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 108(b) financial responsibility proposed rule for the hardrock mining industry. We appreciate your interest in this rulemaking.

As you know, under CERCLA Section 108(b), Congress directed the U.S. Environmental Protection Agency to develop financial responsibility requirements consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. By December 1, 2016, the EPA was under court order to sign a notice of proposed rulemaking under CERCLA Section 108(b) on financial assurance requirements for the hardrock mining industry. The public comment period was extended 120 days and closed on July 11, 2017, to allow adequate time to review and comment on the complex issues raised by this proposal.

The EPA is in the process of reviewing the thousands of public comments it received on the proposal. The agency is under court order to sign a notice of its final action on such regulations by December 1, 2017, and expects to meet that deadline.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or (202) 564-1859.

Sincerely,

A handwritten signature in dark ink, appearing to read "Barry N. Breen", is written over the word "Sincerely,".

Barry N. Breen
Principal Deputy Assistant Administrator

KEVIN CRAMER
NORTH DAKOTA

WASHINGTON, D.C. OFFICE:
1032 LOWWORTH BUILDING
WASHINGTON, DC 20515
202-225-2611

BISMARCK OFFICE:
220 EAST ROSSIGNOL AVENUE
SUITE 328
BISMARCK, N. DAKOTA 58501
701-224-0355



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

FARGO OFFICE:
3217 RECHNER DRIVE, SUITE D
FARGO, NORTH DAKOTA 58103
701-356-2216

MINOT OFFICE:
315 MAIN STREET, SOUTH, SUITE 200
MINOT, NORTH DAKOTA 58701
701-839-0255

GRAND FORKS OFFICE:
CUTLER FUNDATION FOUNDATION DESERVA
4200 JAMES RAY DRIVE, OFFICE 600
GRAND FORKS, NORTH DAKOTA 58202
701-738-4980

April 30, 2018

Administrator Scott Pruitt
Secretary, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC

Dear Mr. Secretary,

I am writing to you concerning the Department of the Treasury regulation you are required to issue (in consultation with the Administrator of the Environmental Protection Agency (EPA) and the Secretaries of Energy and of the Interior) to implement the recently amended tax credit under Internal Revenue Code (IRC) section 45Q. As you know, Section 41119 of the Bipartisan Budget Act (the Act), Public Law 115-123 as enacted February 9, 2018, included a number of enhancements to this section 45Q tax credit, which was originally enacted in 2008.

There is great potential in this country, in North Dakota and other oil and gas producing states, for increasing our domestic energy production – and our energy security – by utilizing anthropogenic carbon dioxide (CO₂) to enhance the production of older, depleting oil and gas wells. This tertiary recovery technology – enhanced oil or natural gas recovery (EOR) – has been in practice since the early 1970s, and continues to grow as CO₂ pipeline infrastructure expands and more industrial and electric power generating facilities install equipment to capture CO₂ to utilize in EOR. In the Bakken alone, it has been recently estimated that CO₂ EOR technologies have the potential to bring as much as 1.8 billion barrels of increased incremental oil production over the next 20 years.

The recently expanded tax credit under section 45Q has the potential to significantly encourage the capture and use of anthropogenic CO₂. The credit will improve the economics for CO₂ captured and used and incidentally stored in an EOR project, captured and disposed of in secure dedicated geologic storage, or utilized in other manners that are specified in the Act. However, the requirements for reporting such activity to the IRS must be made clear or the credit will remain useless to most of the carbon capture, utilization and storage (CCUS) industry.

From its first enactment in 2008 until now, the section 45Q credit has been unworkable – and virtually impossible to qualify for – for the vast majority of CO₂ EOR projects, and thus for most of the CO₂ captured in the U.S. from industrial sources. This is because the Internal Revenue Service (IRS), pursuant to guidance issued by the Department in the previous Administration (IRS Notice 2009-83), has required EOR operators to adhere to unnecessary and onerous EPA regulations that were designed specifically for dedicated CO₂ storage and not for CO₂ utilized and securely stored incidental to EOR.

Fortunately, the new 45Q statute has again directed Treasury to (re-) define what qualifies as ‘secure geological storage’ for the purposes of the tax credit. Your Department now has the opportunity to make the tax credit work as intended by fixing this problem created by Treasury’s 2009 interim guidance and embodied in IRS Form 8933. The additional good news is this can be done in a way that provides no less assurance that the CO₂ utilized in EOR, for which tax credits are claimed, stays securely in the ground as a part of the EOR process, and is not released into the atmosphere. To resolve the current uncertainty existing over interpretation of the 2009 IRS guidance, it is also critical that you apply any new guidance or regulation retroactively to all credits claimed since the 2008 enactment of section 45Q.

Background

As originally enacted in 2008, and still today as amended and currently administered by the IRS, the section 45Q credit is not available for most of the captured CO₂ used as a tertiary injectant in an EOR project. This is because then, and still today, in defining what qualifies as ‘secure geological storage,’ the IRS required in its interim guidance (IRS Notice 2009-83), that EOR operators comply with certain EPA regulations designed specifically for dedicated CO₂ storage and not for the incidental secure storage that occurs during EOR operations. To claim the tax credit for CO₂ disposed of in secure geological storage and used as a tertiary injectant in a qualified enhanced oil or natural gas recovery project, a taxpayer must file IRS Form 8933. That form specifies a tertiary injection project, i.e. an EOR project, “requires approval by the EPA of a Monitor, Report and Verify Plan (MRV) submitted by the operator of the ...tertiary injection project.”; and, “[t]he annual amount of carbon dioxide claimed for the credit must be reconciled with amounts reported to the U.S. Environmental Protection Agency (EPA) under its Greenhouse Gas Reporting Program, subpart RR.” Most EOR operators do not operate under an EPA approved MRV plan and do not report under subpart RR because doing so would require action that conflicts with state mineral property and resource conservation laws.

The unworkable policy adopted by IRS with respect to this tax credit definition has evolved to a large extent in the absence of definitive taxpayer guidance or opportunity for taxpayer input. The IRS has determined that taxpayers claiming the 45Q credit for CO₂ utilized in EOR must comply with EPA rules for dedicated non-EOR storage operations (Subpart RR of the Greenhouse Gas Reporting Rules) rather than the rules applicable for EOR operations. This is based not only on the IRS interim guidance under Notice 2009-83, but also subsequent EPA language -- published in 2010 -- in the preamble to the Greenhouse Gas Reporting Rules under the Clean Air Act, as well as a more recent (2013) update of the Internal Revenue Manual (citing the 2010 EPA preamble) and the IRS form for claiming the section 45Q credit (Form 8933). The Subpart RR rules were designed for dedicated (non-EOR) CO₂ injection wells regulated by the EPA as Class VI wells in the Underground Injection Control (UIC) program under authority of the Safe Drinking Water Act. In contrast, CO₂ EOR operations have long been subject to a different EPA regulatory regime under both the Safe Drinking Water Act (regulated as Class II UIC wells) and Greenhouse Gas Reporting Rules (subject to Subpart UU).

The IRS policy, expressed in aggregate through the interim guidance, the Internal Revenue Manual and Form 8933 requirements, thus effectively treats any CO₂ injection site seeking to apply the section 45Q credit -- including an EOR well -- as a waste disposal site rather than a hydrocarbon recovery operation. Thus the IRS policy effectively requires the operator of such site to secure EPA approval for a long-term (MRV) plan, the program governing UIC Class VI, non-EOR CO₂ injection wells. Subjecting CO₂ EOR operations to these EPA MRV requirements designed for non-EOR CO₂ storage appears to reflect a complete lack of understanding of oil and gas resource conservation laws to which all oil and gas operators are subject. Moreover, adherence to this requirement by EOR operators would violate most mineral property leases that only authorize the EOR operator to extract the hydrocarbon resources, not treat the CO₂ as an EPA-regulated waste product subject to long-term EPA oversight beyond the term of the mineral property lease.

The IRS's imposition of these unnecessary and onerous Subpart RR requirements in connection with section 45Q also stands in contrast to EPA's clear position of confidence that CO₂ utilized in EOR can be considered securely stored incidental to the EOR operations. EPA's regulatory treatment and view of CO₂ EOR operations has developed considerably since Treasury issued its interim guidance in 2009. For example, as opposed as I am to EPA's Clean Power Plan from 2015, it rightly noted that "CO₂ storage associated with Class II wells is a common occurrence and CO₂ can be safely stored where injected through Class II-permitted wells for the purpose of enhanced oil or gas-related recovery." EPA further has clarified that "[u]se of anthropogenic CO₂ in EOR operations does not necessitate a Class VI permit and Class VI site closure requirements are not required for Class II CO₂ injection operations" (80 Fed. Reg. at 64590).

EPA has now explained in further detail how its existing regulatory requirements for CO₂ injections for EOR under the Class II program protect both air and water (80 Fed. Reg. at 64586 to 64588). EPA has pointed to the requirements for site characterization, area of review, well construction (e.g., casing and cementing), well operation (e.g., injection pressure), injectate sampling, mechanical integrity testing, plugging and abandonment, financial responsibility, and reporting, among other matters. These are all matters addressed in ways that are adapted to the state conservation laws governing hydrocarbon recovery operations and the private mineral property leases entered into under that state law framework. In sum, unlike the situation that prevailed when Treasury issued its 2009 guidance, EPA has now explicitly recognized that safe and secure incidental CO₂ storage also occurs during EOR operations via UIC Class II permitting long administered by the states pursuant to grants of primacy from the EPA.

Earlier in this 115th Congress, I, along with several of my Congressional colleagues, introduced H.R.4857, the "CO₂ Regulatory Certainty Act." This bill can achieve, through legislation, what I hope your Department will now achieve through administrative action. Specifically, our bill would provide a definition of the section 45Q term "secure geological storage" for CO₂ utilized in EOR. Under our bill, taxpayers would qualify for the tax credit if they can demonstrate that industrial-captured CO₂ utilized in EOR will be so-utilized in accordance with the federal environmental rules to which they are currently subject for these operations. These are, specifically, rules applicable to Class II wells pursuant to the Underground Injection Control Program under the Safe Drinking Water Act, and Subpart UU of the Greenhouse Gas Reporting Rules under the Clean Air Act. I have attached a copy of this bill and a revenue estimate from the Joint Committee on Taxation stating the "proposal would have no significant revenue effect."

Conclusion

As you and your staff work to implement the expanded section 45Q tax credit, I hope you will work with me, my colleagues and our staffs to help you craft interim guidance and/or establish regulations ensuring compliance with the statutory requirements of the credit in a way that results in the credit working as intended. As the new law is already in effect and the credit is available to be used by a taxpayer who can qualify, I believe it is important for new Treasury guidance – and a new IRS Form – to be issued as soon as possible. Given the significant uncertainty associated with the currently effective IRS guidance, it is also critical this new guidance apply to all tax credits claimed under section 45Q since its enactment in 2008.

Thank you for your attention to this matter. I look forward to discussing this further with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Cramer". The signature is fluid and cursive, with the first name "Kevin" and last name "Cramer" clearly distinguishable.

Kevin Cramer

Member of Congress

Cc: Secretary Steve Mnuchin, U.S. Department of the Treasury
Secretary Rick Perry, U.S. Department of Energy
Secretary Ryan Zinke, U.S. Department of the Interior
U.S. Senator John Hoeven

SENATE
ORRIN G. HATCH, UTAH,
CHAIRMAN
CHUCK GRASSLEY, IOWA
MIKE CRAPO, IDAHO
RON WYDEN, OREGON
DEBBIE STABENOW, MICHIGAN

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VICE CHAIRMAN
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RICHARD NEAL, MASSACHUSETTS
JOHN LEWIS, GEORGIA

Congress of the United States

JOINT COMMITTEE ON TAXATION
502 FORD HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6453
(202) 225-3621
<http://www.jct.gov>

THOMAS A. BARTHOLD
CHIEF OF STAFF
ROBERT P. HARVEY
DEPUTY CHIEF OF STAFF
DAVID L. LENTER
DEPUTY CHIEF OF STAFF

APR 26 2018

Honorable Kevin Cramer
U.S. House of Representatives
1717 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Cramer:

This letter contains a revenue estimate in response to your request dated February 26, 2108 for a revenue estimate of the "CO2 Regulatory Certainty Act" that would amend the Internal Revenue Code (the "Code") section 45Q credit for carbon dioxide sequestration.

Present-law Code section 45Q(d)(2) requires the Secretary in consultation with the administrator of the EPA and the Secretaries of the Interior and Energy to determine adequate security measures for geological storage of carbon dioxide. Your proposal would establish requirements for regulations for determining adequate security measures for the geological storage of carbon dioxide. For CO2 that is disposed of in secure geological storage, the CO2 must be stored in compliance with rules promulgated by the EPA under the Clean Air Act and rules under the Safe Drinking Water Act.

We estimate your proposal would have no significant revenue effect. I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,



Thomas A. Barthold

115TH CONGRESS
2D SESSION

H. R. 4857

To amend the Internal Revenue Code of 1986 to enhance the requirements for secure geological storage of carbon dioxide for purposes of the carbon dioxide sequestration credit.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2018

Mr. CRAMER (for himself, Mr. SAM JOHNSON of Texas, Mr. MCKINLEY, Mr. HARPER, and Mr. PALAZZO) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to enhance the requirements for secure geological storage of carbon dioxide for purposes of the carbon dioxide sequestration credit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "CO₂ Regulatory Cer-
5 tainty Act".

1 SEC. 2. SECURE GEOLOGICAL STORAGE OF CARBON DIOX-

2 IDE.

3 Section 45Q(d)(2) of the Internal Revenue Code of
4 1986 is amended to read as follows:

5 “(2) SECURE GEOLOGICAL STORAGE.—

6 “(A) IN GENERAL.—Not later than De-
7 cember 31, 2018, the Secretary, in consultation
8 with the Administrator of the Environmental
9 Protection Agency, the Secretary of Energy,
10 and the Secretary of the Interior, shall establish
11 regulations for determining adequate security
12 measures for the geological storage of carbon
13 dioxide under paragraph (1)(B) or (2)(C) of
14 subsection (a) such that the carbon dioxide does
15 not escape into the atmosphere.

16 “(B) REQUIREMENTS.—The regulations
17 established pursuant to subparagraph (A) shall
18 provide that—

19 “(i) for purposes of paragraph (1)(B)
20 of subsection (a), carbon dioxide shall be
21 considered disposed of in secure geological
22 storage if such carbon dioxide is stored in
23 compliance with rules promulgated by the
24 Environmental Protection Agency under
25 subpart RR of part 98 of title 40, Code of
26 Federal Regulations, (as in effect on the

1 date of the enactment of this paragraph)
2 under the Clean Air Act (42 U.S.C. 7401
3 et seq.), and rules under the Safe Drinking
4 Water Act (42 U.S.C. 300f et seq.), which
5 are applicable to carbon dioxide disposed of
6 in secure geological storage and not used
7 as a tertiary injectant in a qualified en-
8 hanced oil or natural gas recovery project,
9 and

10 “(ii) for purposes of paragraph (2)(C)
11 of subsection (a), carbon dioxide shall be
12 considered disposed of in secure geological
13 storage if such carbon dioxide is stored in
14 compliance with rules promulgated by the
15 Environmental Protection Agency which
16 are applicable to carbon dioxide used as a
17 tertiary injectant in a qualified enhanced
18 oil or natural gas recovery project under—

19 “(I) subpart UU of part 98 of
20 title 40, Code of Federal Regulations
21 (as in effect on the date of the enact-
22 ment of this paragraph) under the
23 Clean Air Act, and

24 “(II) subpart C of part 146 of
25 title 40, Code of Federal Regulations

1 (as in effect on the date of the enact-
2 ment of this paragraph) under the
3 Safe Drinking Water Act, to the ex-
4 tent such rules are applicable to Class
5 II wells.”.

6 **SEC. 3. QUALIFIED ENHANCED OIL OR NATURAL GAS RE-**
7 **COVERY PROJECT.**

8 Section 45Q(d)(4) of the Internal Revenue Code of
9 1986 is amended—

10 (1) by striking “by substituting” and inserting
11 “determined—

12 “(A) by substituting—”,

13 (2) by striking the period and inserting “,
14 and”, and

15 (3) by inserting at the end the following:

16 “(B) without regard to subparagraph
17 (A)(iii) thereof.”.

○

Congress of the United States

Washington, DC 20515

December 23, 2015

Ms. Gina McCarthy
Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460


Dear Administrator McCarthy:

We are writing to request a meeting with you and your staff to discuss actions the Environmental Protection Agency (EPA) is taking in response to Section 114 Request for Information letters sent to several oil and gas companies in North Dakota before any additional action is taken by the EPA.

It is our understanding the EPA has decided to impose fines and penalties on companies operating in North Dakota after issuing Section 114 letters regarding methane emissions from tanks. We have been told a couple of companies must pay a large fine and even larger mitigation penalty without the ability to work toward a plan to address the concerns. Several North Dakota companies formed a task force to work with the North Dakota Department of Health to develop best practices for methane emissions. We believe the EPA must work with the State and industry to find a plan that is achievable and one that respects the State's primary jurisdiction over air quality matters.

It is important that the EPA works in good faith with the State and businesses before moving forward with fines and regulations that can harm not only individuals working in the field, but also large sectors of our economy. We therefore request a meeting with you and your staff within the first two weeks of January to discuss the EPA's proposed actions. We look forward to your reply.

Sincerely,



John Hoeven
U.S. Senator



Heidi Heitkamp
U.S. Senator



Kevin Cramer
U.S. Congressman



Jack Dalrymple
North Dakota Governor

Cc: Shaun McGrath, Region 8 Administrator